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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

and

ADRIAN SCOTT DUANE,

Plaintiff Intervenor,

vs.

IXL Learning, Inc.,

Defendant.

Case No. Re: 3 Re:17-cv-02979-VC

JOINT TRIAL EXHIBIT LIST

Trial Date Re: October 22, 2018

Courtroom Re: 4, 17th Floor

Judge Re: Hon. Vince Chhabria

Pursuant to this Court's Standing Order for Civil Trials, No. 17, the parties hereby submit their Joint List of Trial Exhibits, attached hereto and incorporated herein.

Respectfully submitted,

Dated Re: October 9, 2018

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

By: /s/ Ami Sanghvi
AMI SANGHVI, Senior Trial Attorney
Attorney for Plaintiff EEOC

Dated Re: October 9, 2018

THE MAREK LAW FIRM

By: /s/ David Marek
DAVID MAREK
Attorney for Plaintiff-Intervenor Duane

Dated Re: October 9, 2018

YOUNG BASILE HANDLON & MACFARLANE, PC

By: /s/ Jeffrey D. Wilson
JEFFREY D. WILSON
Attorney for Defendant

LOCAL RULE 5-1(i)(3) ATTESTATION

I, Ami Sanghvi, am the ECF User whose ID and password are being used to file the Joint Proposed Jury Instructions. In compliance with Local Rule 5-1(i)(3), I hereby attest that David Marek and Jeffrey Wilson concurred in this filing

Dated Re: October 9, 2018

/s/ Ami Sanghvi
AMI SANGHVI, Senior Trial Attorney

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
005	Mattison/Gu email re Bland hire and telework costs (5/19/2014)	IXL-0785		Kate Mattison or Jennifer Gu: Mr. Duane's Reasonable belief	DF: 401; 403	Relevant to showing IXL willingness to hire Bland despite remote work arrangement.	
006	Duane Performance Evaluation (7/10/13-9/12/13)	IXL-1367	IXL-1368	Kate Mattison: Background			
007	Duane Performance Evaluation (7/10/13-11/6/13)	IXL-1375	IXL-1377	Kate Mattison or A. Scott Duane			
008	Mattison/Keyes email string re Duane 60-day performance review (11/1/2013)	IXL-1373		Kate Mattison: Background			
011	Keyes/Mattison email re Math PA team raise eligibility (Duane) (11/20/2014)	IXL-1627	IXL-1628	David Keyes or Kate Mattison: Background			
012	Duane/Keyes email re notice of February 2014 leave	IXL-1388		A. Scott Duane: Reasonable belief			
013	Mattison/Keyes discussion re Duane accommodation request (12/22/2014)	IXL-0817		David Keyes: Mr. Duane's reasonable belief			
015	Keyes/Mattison email forwarding Prado/Mishkin email (1/7/2015)	IXL-1677	IXL-1684	A. Scott Duane: Causal link			

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
017	Employee Benefits Handbook (January 2013)	IXL-1284	IXL-1322	Maricela Prado: Background			
023	Duane/Prado email string re meeting for medical leave and disability pay (09/23/14 - 09/30/14)	IXL-1603	IXL-1606	A. Scott Duane: Mr. Duane's reasonable belief			
029	Prado/Mishkin email with Duane Glassdoor post (1/7/2015)	IXL-1666	IXL-1673	Maricela Prado: Causal link			
031	Prado/Mishkin email string re Duane Glassdoor post (1/7/2015)	IXL-1688	IXL-1695	Maricela Prado: Causal link			
039	Duane 2014 Performance Review (1/7/2015)	IXL-1674	IXL-1675	David Keyes: Background			
040	Keyes notes re Duane performance (Jan 2014 - Dec 2014) (01/06/2015)	IXL-1715	IXL-1717	PLTFS: David Keyes: Mr. Duane's Reasonable belief DF: Background; Duane			
042	Keyes/Lenox email re Duane peer review (11/17/2014)	IXL-1626		David Keyes: Background			
043	Kent/Xia/Keyes email string re Duane peer reviews (11/20/2014)	IXL-1629	IXL-1630	David Keyes: Background			
053	Welcome to IXL slides (1/9/2014)	IXL-1394	IXL-1464	Maricela Prado: Mr. Duane's			

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
				Reasonable belief			
055	List of terminated employees (Undated)	IXL-1240		Paul Mishkin: Pretext	DF: 401; 403	Relevant to HR instability and goes to pretext	
059	Penner/Coulon /Davis email forwarding negative Glassdoor review (5/22/2015)	IXL-1828		Paul Mishkin: Pretext	DF: 401; 403; 802; subject to MIL	Relevant to punitive damages, injunctive relief; <i>see also</i> Pltfs Opp to Def. MIL No. 4.	
061	Penner/Mishkin/Ockerberg email string re negative Glassdoor reviews & engagement campaign (07/30/13 - 07/31/13)	IXL-1349		Paul Mishkin: Pretext			
068	Mishkin/Duane email re discrimination complaint and 1/8 meeting (1/7/2015)	IXL-1663		PLTFS: Paul Mishkin and A. Scott Duane: Pretext DF: Reasonable Belief.; Request for Accommodation; Duane; Mishkin			
069	IXL/Sequoia Service agreement to Provide Employee Benefits (11/22/2010)	IXL-3547	IXL-3548	Maricela Prado: background			
071	Welcome to IXL slides (Undated)	IXL-2084	IXL-2154	Maricela Prado: Background			

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
076	Employee Benefits (January 2015)	IXL-3438	IXL-3469	Maricela Prado: Damages			
078	The Welcome Program slides (05/20/2013)	IXL-2161	IXL-2210	Maricela Prado: Background			
079	Prado/Costanti ni email string re 2014 401K plan (12/19/14 - 12/22/14)	IXL-3409	IXL-3411	Maricela Prado: Damages			
080	Duane media post re other IXL remote workers and responding posts (12/30/14 7:15:40 p.m.)	EEOC_000233	EEOC_000236	A. Scott Duane: Reasonable belief	DF: 401; 403; 802	Not hearsay because not offered for the truth of the matter asserted. FRE 801(d)(1)(B). Alternatively, subject to the following hearsay exceptions: FRE 803(1); 803(3)	
081	Duane media post re accommodation request and responsive posts (12/23/14 7:52:44 p.m.)	EEOC_000237		A. Scott Duane: Reasonable belief	DF: 401; 403; 802	Not hearsay because not offered for the truth of the matter asserted. FRE 801(d)(1)(B). Alternatively, subject to the following hearsay exceptions: FRE 803(1); 803(3)	
082	Duane media post relaying HR medical questions, with responding posts (09/30/14 3:27:44 p.m.)	EEOC_000241	EEOC_000243	A. Scott Duane: Reasonable belief	DF: 401; 403; 802	Not hearsay because not offered for the truth of the matter asserted. FRE 801(d)(1)(B). Alternatively, subject to the following hearsay exceptions: FRE 803(1); 803(3)	
083	App Academy Job Search	EEOC_000539	EEOC_000540	A. Scott Duane: Damages			

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
	Agreement (5/13/2015)						
084	App Academy offer of employment (12/14/2015)	EEOC_000605		A. Scott Duane: Damages			
085	App Academy Bootcamp admission (5/7/2015)	EEOC_000624	EEOC_000625	A. Scott Duane: Damages			
086	Duane 2015 W-2 (2015)	EEOC_000712		A. Scott Duane: Damages			
087	2014 EEO-1 Report (2014)	EEOC_000724		A. Scott Duane: Reasonable belief	DF: 401; 403	Public record supports Duane's observations about workplace demographics	
088	2015 EEO-1 Report (2015)	EEOC_000725		A. Scott Duane: Reasonable belief	DF: 401; 403	Public record supports Duane's observations about workplace demographics	
089	2016 EEO-1 Report (2016)	EEOC_000726		A. Scott Duane: Reasonable belief	DF: 401; 403	Public record supports Duane's observations about workplace demographics	
090	Glassdoor posts (1/14/2018)	EEOC_000727	EEOC_000733	A. Scott Duane: Reasonable belief; pretext	DF: 401; 403; 802; subject to MIL	FRE 801 (Not offered for truth of posts)	
091	Collection of Glassdoor negative posts	EEOC_000728 EEOC_000737 EEOC_000750 EEOC_000754 EEOC_000761 EEOC_000774 EEOC_000782	EEOC_000732 EEOC_000751 EEOC_000758 EEOC_000762 EEOC_000775 EEOC_000783	A. Scott Duane: Reasonable belief; pretext	DF: 401; 403; 802; subject to MIL	FRE 801 (Not offered for truth of posts)	

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
		EEOC_000790 EEOC_000794 EEOC_000799 EEOC_000809 EEOC_000814	EEOC_000791 EEOC_000800 EEOC_000811				
092	Glassdoor reviews (03/18/17 - 05/16/17)	EEOC_000734	EEOC_000740	A. Scott Duane: Reasonable belief; pretext	DF: 401; 403; 802; subject to MIL	FRE 801 (Not offered for truth of posts)	
093	Glassdoor reviews (11/27/16 - 02/20/17)	EEOC_000741	EEOC_000746	A. Scott Duane: Reasonable belief; pretext	DF: 401; 403; 802; subject to MIL	FRE 801 (Not offered for truth of posts)	
094	Glassdoor reviews (06/27/16 - 11/04/16)	EEOC_000747	EEOC_000752	A. Scott Duane: Reasonable belief; pretext	DF: 401; 403; 802; subject to MIL	FRE 801 (Not offered for truth of posts)	
095	Glassdoor reviews (05/06/16 - 07/21/16)	EEOC_000753	EEOC_000759	A. Scott Duane: Reasonable belief; pretext	DF: 401; 403; 802; subject to MIL	FRE 801 (Not offered for truth of posts)	
096	Glassdoor reviews (03/12/16 - 04/12/16)	EEOC_000760	EEOC_000765	A. Scott Duane: Reasonable belief; pretext	DF: 401; 403; 802; subject to MIL	FRE 801 (Not offered for truth of posts)	
097	Glassdoor reviews (10/15/15 - 03/10/16)	EEOC_000766	EEOC_000771	A. Scott Duane: Reasonable belief; pretext	DF: 401; 403; 802; subject to MIL	FRE 801 (Not offered for truth of posts)	
098	Glassdoor reviews (07/20/15 - 10/15/15)	EEOC_000772	EEOC_000778	A. Scott Duane: Reasonable belief; pretext	DF: 401; 403; 802; subject to MIL	FRE 801 (Not offered for truth of posts)	

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
099	Glassdoor reviews (05/24/15 - 07/20/15)	EEOC_000779	EEOC_000785	A. Scott Duane: Reasonable belief; pretext	DF: 401; 403; 802; subject to MIL	FRE 801 (Not offered for truth of posts)	
100	Glassdoor reviews (12/30/14 - 05/22/15)	EEOC_000786	EEOC_000792	A. Scott Duane: Reasonable belief; pretext	DF: 401; 403; 802; subject to MIL	FRE 801 (Not offered for truth of posts)	
101	Glassdoor reviews (07/16/14 - 10/27/14)	EEOC_000793	EEOC_000798	A. Scott Duane: Reasonable belief; pretext	DF: 401; 403; 802	FRE 801 (Not offered for truth of posts)	
102	Glassdoor reviews (10/03/13 - 05/29/14)	EEOC_000799	EEOC_000804	A. Scott Duane: Reasonable belief; pretext	DF: 401; 403; 802	FRE 801 (Not offered for truth of posts)	
103	Glassdoor reviews (07/02/13 - 09/19/13)	EEOC_000805	EEOC_000812	A. Scott Duane: Reasonable belief; pretext	DF: 401; 403; 802	FRE 801 (Not offered for truth of posts)	
104	Glassdoor reviews (05/03/11 - 06/20/13)	EEOC_000813	EEOC_000817	A. Scott Duane: Reasonable belief; pretext	DF: 401; 403; 802	FRE 801 (Not offered for truth of posts)	
105	Glassdoor COR Decl (5/4/2018)	EEOC_001017	EEOC_001018	Authenticating Doc - Not an exhibit		Can remove if Defendant stipulates as to the authenticity of subpoenaed documents	
106	Mishkin/Duane letter with signed employment offer (2/15/2013)	IXL-0027	IXL-0028	A. Scott Duane: Background			
107	New Hire Checklist (Duane) (7/10/2013)	IXL-1161		A. Scott Duane: Background			

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
108	Sexual Harassment Policy review acknowledgment (Duane) (7/10/2013)	IXL-1164		A. Scott Duane: Background			
109	Termination Checklist (Duane) (1/8/2015)	IXL-1178		A. Scott Duane: Background			
110	Duane Final Pay (1/7/2015)	IXL-1179		Paul Mishkin or Maricela Prado: Damages			
111	Duane Final Vacation Pay (1/7/2015)	IXL-1180		Paul Mishkin or Maricela Prado: Damages			
112	Option Ledger (Duane) [07/07/2015] (Undated)	IXL-1183		Paul Mishkin or Maricela Prado: Damages			
113	Employee Benefits Handbook (January 2013)	IXL-1241	IXL-1279	Maricela Prado: Background			
114	Barth/Penner email string re Glassdoor negative posts (06/03/13 - 06/14/13)	IXL-1344	IXL-1345	Karen Penner: Pretext			
115	Glassdoor Employee Engagement Plan for IXL (Undated)	IXL-1350	IXL-1355	Paul Mishkin: Background			
116	Prado/Penner email encouraging positive Glassdoor reviews (9/11/2013)	IXL-1358		Maricela Prado: Background; reasonable manner			
117	Keyes/Mattison email string re peer review	IXL-1384	IXL-1385	David Keyes: Mr. Duane's			

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
	of Duane (11/19/2013)			Reasonable belief			
118	Duane/group email re February 2014 leave (1/30/2014)	IXL-1471		A. Scott Duane: Reasonable belief			
119	Duane/Keyes email string re leave, ADP and PA lunch (02/05/14 - 02/10/14)	IXL-1484		David Keyes or A. Scott Duane: Reasonable belief			
120	Keyes/Duane email string re remote work and projects (05/30/14 - 06/02/14)	IXL-1524	IXL-1525	A. Scott Duane: Reasonable belief			
121	Duane/Keyes/Marshall email re medical leave (9/11/2014)	IXL-1570		A. Scott Duane: Reasonable belief			
122	Keyes email to self re Duane remote work (9/30/2014)	IXL-1598		David Keyes: Mr. Duane's reasonable belief			
123	Duane/group email re surgery leave (10/3/2014)	IXL-1608		PLTFS: A. Scott Duane: Reasonable belief DF: Request for Accommodation; Duane	DF: 401; 403		
124	Keyes/Duane email with copy of remote plan (12/30/14 10:35 a.m.)	IXL-1649	IXL-1650	PLTFS: A. Scott Duane and David Keyes: Reasonable belief DF: Reasonable Belief;			

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
				Office Action; Request for Accommodation; Duane; Keyes			
125	Duane/Keyes email re ADA resources (1/7/2015)	IXL-1676		A. Scott Duane and David Keyes: Reasonable belief			
126	Termination Checklist (Duane), with pay stubs, Employee Contact Confirmation, Employee Exit Agreement, Options Ledger, Exercise Option letter, Personnel Data Change Form (1/8/2015)	IXL-1806	IXL-1813	A. Scott Duane: Damages			
127	Prado/group email with welcome slides and benefits information (6/28/2013)	IXL-2211		Maricela Prado: Background			
128	Prado/Duane & others email with Welcome Program calendar invite (7/10/2013)	IXL-2254		Maricela Prado: Background			
129	The Welcome Program slides (08/18/2013)	IXL-2271	IXL-2333	Maricela Prado: Background			
130	Prado/Lee email with Welcome Program 2013-	IXL-2334		Maricela Prado: Background			

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
	Edit (8/20/2013)						
131	Welcome to IXL slides (08/21/2013)	IXL-2335	IXL-2397	Maricela Prado: Background			
132	Welcome to IXL slides (08/25/13?)	IXL-2400	IXL-2457	Maricela Prado: Background			
133	Lee/Prado email re Welcome Program 2013 edits	IXL-2875		Maricela Prado: Background			
134	IXL Softball ticket (9/18/13)	IXL-2876		Maricela Prado: Background			
135	IXL Softball ticket (9/18/13)	IXL-2877		Maricela Prado: Background			
136	IXL Softball ticket (9/18/13)	IXL-2878		Maricela Prado: Background			
137	IXL Softball ticket (9/25/13)	IXL-2879		Maricela Prado: Background			
138	Lee/Prado email re updated welcome program (9/23/2013)	IXL-3203		Maricela Prado: Background			
139	IXL Basketball ticket (9/23/13)	IXL-3204		Maricela Prado: Background			
140	IXL Softball ticket (9/25/13)	IXL-3205		Maricela Prado: Background			
141	Softball team picture with New Employee Orientation slides (03/20/2014)	IXL-3277	IXL-3346	Maricela Prado: Background			
142	Rodney email with 2015 Benefits	IXL-3437		Maricela Prado: Damages			

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
	Booklet (5/15/2015)						
143	Keyes/Ockerberg email string re Duane accommodation request (11/22/2010)	IXL-3643	IXL-3644	David Keyes: Mr. Duane's Reasonable belief			
144	Prado/Ockerberg email string re Duane accommodation request (12/23/2014)	IXL-3645	IXL-3648	Maricela Prado: Mr. Duane's reasonable belief			
145	Prado/Keyes email re Duane remote work plan repercussions (12/19/14 - 12/26/14)	IXL-3661	IXL-3664	Maricela Prado or David Keyes: Mr. Duane's reasonable belief			
146	Keyes/Prado/Mattison email string re Duane remote plan language (12/29/2014)	IXL-3668		Maricela Prado or David Keyes: Mr. Duane's reasonable belief			
147	Keyes/Prado/Mattison email string re Duane remote plan language (12/29/2014)	IXL-3670	IXL-3672	Maricela Prado or David Keyes: Mr. Duane's reasonable belief			
148	Keyes/Duane email with 1/8 performance review calendar invite (12/30/14 1:27 p.m.)	IXL-3673		David Keyes: Causal link			
149	Prado/Keyes email string re Keyes meeting with Duane (1/6/2015)	IXL-3677		David Keyes, Maricela Prado: Causal link			
150	Prado/Mishkin email with	IXL-3678	IXL-3683				

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
	collection of Duane email (9/23/14-11/11/14)						
151	Mishkin/Duane email with 1/8 meeting invite (google video hangout) (1/7/2015)	IXL-3684		Paul Mishkin: Causal link			
152	Draft Duane 2014 Annual Review (1/7/2015)	IXL-3686	IXL-3687	David Keyes: Pretext			
153	Mattison/Keyes email string with draft Duane annual review (1/7/2015)	IXL-3688		David Keyes: Pretext			
154	Keyes/Mishkin email forwarding Duane ADA resources (1/7/2015)	IXL-3689		David Keyes: Pretext			
155	Mishkin/Duane email with 1/8 meeting invite (Paul's office) (1/7/2015)	IXL-3690		Paul Mishkin: Casual link			
156	Keyes/Duane email string re continuance of annual review (1/7/2015)	IXL-3692		David Keyes: Pretext			
157	Employee Handbook (2013-2014) (Undated)	IXL-3707	IXL-3731	Maricela Prado: Background			
158	Plan Document and Summary Plan Description for the IXL Learning Health and	IXL-3732	IXL-3773	Paul Mishkin: damages			

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
	Welfare Benefit Plan (1/1/2015)						
159	Independent Auditor's Report (11/27/2014)	IXL-3775	IXL-3779	Paul Mishkin: damages	DF: Defendant will stipulate to bottom line revenue and income, irrelevant to disclose entire financial statement on public docket; if used IXL requests only subtotals and totals be shown with line items redacted or alternatively file the document under seal.		
160	Benefits Confirmation Sheet (2015)	IXL-3780	IXL-3780	Maricela Prado: damages			
161	IXL Grant of incentive Stock options (7/26/2013)	IXL-3781	IXL-3782	A. Scott Duane: damages			
162	ADP Benefit Accrual Audit Report re Duane (9/30/2014)	IXL-3784		Maricela Prado: damages			
163	Vanguard Statement of Account (Duane) (01/01/15 - 03/31/15)	IXL-3785	IXL-3788	A. Scott Duane: damages			
200	Plaintiff's Responses and Objections to First set of RFA	n/a		Various; Duane	PLTFS: FRE 401, 402, 403; 802 – see Standing Order for Civil Trials at ¶ 38.		

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
201	Chat with Duane to Wu re: Unnamed guy (Keyes?) nicer than he had to be	EEOC_000365		Reasonable Belief; Duane	PLTFS: FRE 401, 402, 403, 802, 805	Relevant (not outweighed by 403 prejudice) evidence re: Duane's present impression of IXL. Not hearsay: Not offered from the truth of the matter asserted, but to show Duane's state of mind regarding unnamed employee. Would be admissible under FRE 803 (1) and (21) if it were hearsay. FRE 805 is not an objection to admissibility.	
202	Email from Spencer to Duane re: Potential interest in working with IXL; Duane recommends elsewhere	EEOC_000611	EEOC_000612	Reason for Termination; Duane	PLTFS: FRE 401, 402, 403, 802	Relevant (not outweighed by 403 prejudice) evidence re: Duane's state of mind regarding IXL. Not hearsay: Not offered from the truth of the matter asserted, but to show Duane's state of mind. (i.e., not whether IXL was really as Duane describes it in this email, but simply that Duane believed it to be the case). Would be admissible under FRE 803(21) if it were hearsay.	

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
203	Email chain Duane, Mathpa, Keyes to Mattison re: Duane working remotely; slipping back into old habits of lower productivity	IXL-1950		Reasonable Belief; Request for Accommodation; Office Action; Keyes; Duane; Mattison	None		
204	Email chain re: Duane's return to work; wanting to work remotely	IXL-1876	IXL-1878	Reasonable Belief.; Request for Accommodation; Duane; Keyes	PLTFS: Better version without Exh. A cover page at IXL-1644 (Exh. 243) to which PLTFS have no objection.		
205	Duane/Keyes email with doctor's note (12/30/2014)	IXL-1647	IXL-1648	PLTFS: A. Scott Duane and David Keyes: Reasonable belief DF: Reasonable Belief.; Request for Accommodation; Duane	<i>NOTE: His DOB must be redacted from the document.</i>		
207	Email chain re: Glassdoor Post; Duane Short Term Disability Leave	IXL-1677	IXL-1687	Reasonable Belief.; Office Action Keyes; Mishkin	(IXL-1677-1684) PLTFS: Typo in bates range; Joint if document intended was IXL-677-IXL-1684 (Exh. 15) ----- (IXL-1685-1687) PLTFS: Should be marked on list as Exh. 30; FRE	This is a copy of the Glassdoor post itself, with comments from Penner about the identity of the author, which is not in dispute. Unclear what Plaintiffs are objecting to.	

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
					401, 402, 403, 802, 805.		
208	Email from Patel to Duane re: App Academy Acceptance	EEOC_000418	EEOC_000419	Damages; Duane	PLTFS: FRE 401, 402 - IXL Learning no longer has a mitigation defense, unclear how Defendant needs this for damages	Withdrawn	
209	Text message spreadsheet	EEOC_000713	EEOC_000723	Reasonable Belief.; Request for Accommodation; Office Action; Duane	PLTFS: Inappropriate compilation of records. To the extent a summary is appropriate, should be proposed pursuant to FRE 1006. May be additional specific objections depending on the conversation at issue, but general objections: FRE 401, 402, 403, 802, 602; 805	This document was EEOC's compilation, produced in this format. Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL. Not hearsay because not offered for truth of the matter asserted. No explanation why this item cannot be authenticated at trial by witness with personal knowledge.	
210	NLRB Transcript	IXL-0029	IXL-0515	Various; Impeachment ; Duane; Keyes; Mishkin	IXL-29-515 PLTFS: Inappropriate compilation of records; FRE: 401, 402, 403, 802; 805; 602 ----- IXL-229-514 PLTFS: Assuming typo in bates range., this is not a trial	See Defendant's Response to Plaintiff's Motion in Limine #1. Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL. Not hearsay because	

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
					exhibit and subject to FRE: 401, 402, 403, 802; 805; 602—see Standing Order for Civil Trials at ¶38.	not offered for truth of the matter asserted. No explanation why this item cannot be authenticated at trial by witness with personal knowledge.	
211	Email from Duane to Morse re: IXL Case	EEOC_000417		Various; Duane	PLTFS: FRE 401, 402, 403, 802, Subject to objections in EEOC MIL No. 1 [ECF No. 94]	See Defendant's Response to Plaintiff's Motion in Limine #1. Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL. Not hearsay because not offered for truth of the matter asserted.	
212	Chat with Duane and Curiel re: Duane upset over Keyes response to his accommodation request	EEOC_000337	EEOC_000332	Reasonable Belief.; Request for Accommodation; Office Action; Duane; Curiel	PLTFS: Inappropriate compilation of exhibits without reliance on FRE 1006; Parts of this conversation are Subject to objections in Pltfs MIL No. 1 [ECF No. 94]. ----- A compilation with a summary of records would allow us to review and potentially stipulate to parts.	Documents produced by EEOC in this order and reflect an electronic message conversation between Duane and Curiel over a three-day period. Plaintiffs are objecting to a six-page conversation as improper under FRE 1006?	
213	Chat with Duane and	EEOC_000304	EEOC_000291	Reasonable Belief.;	PLTFS: Inappropriate	Documents produced by	

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
	Curiel re: Curiel quitting IXL; HR is unprofessional; Duane having a lawyer			Request for Accommodation; Office Action; Duane; Curiel	compilation of exhibits without reliance on FRE 1006; Parts of this conversation are Subject to objections in Pltfs MIL No. 1 [ECF No. 94] - i.e. EEOC_000295. Pltfs will likely not object to a compilation exhibit that excludes EEOC_000295	EEOC in this order and reflect a continuous electronic message conversation between Duane and Curiel on two separate days (1/29/15 and 2/5/15). This is not a summary, it is a conversation. Need more information on why EEOC295 is subject to MIL 1, which relates preclusion of governmental proceedings.	
214	Email from Duane to Wu re: Forwarded email regarding Duane's accommodation; Duane applying to other jobs	EEOC_000501	EEOC_000503	Reasonable Belief.; Request for Accommodation; Office Action; Alleged Opposition Activity; Duane	none		
215	Duane media post requesting legal advice re accommodation request and responsive posts (12/22/14 8:25:32 p.m.)	EEOC_000238	EEOC_000239	PLTFS: A. Scott Duane: Reasonable belief DF: Reasonable Belief.; Request for Accommodation; Office Action; Duane	PLTFS: Joint as Exh. 215 DF: 401; 403; 802	On Defendant's Exhibit list. Not hearsay because not offered for the truth of the matter asserted. FRE 801(d)(1)(B). Alternatively, subject to the following hearsay exceptions: FRE 803(1); 803(3)	
216	Chat with Duane, Wu, Curiel, Morse	EEOC_000375	EEOC_000381	Reasonable Belief.; Request for	PLTFS: Inappropriate compilation of	Relevant (not outweighed by 403 prejudice) as to	

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
	re: IXL - HR Slimy; Vacation and Sick Days			Accommodation; Office Action; Alleged Opposition Activity; Duane; Curiel	records without compliance with FRE 1006; Duplicated in conflicting order at Exh. 231; and again at 334; FRE 401, 402, 403	background and to assess the reasonableness of Duane's beliefs about IXL. Documents produced by EEOC in this order and reflect a continuous electronic message conversation. This is not a summary, it is a conversation, and FRE 1006 is therefore inapplicable.	
217	Email between Duane and his father, William, re: IXL situation	EEOC_000499	EEOC_000500	Various; Duane	PLTFS: FRE 403; 802; parts are subject to objections in Pltfs. MIL No. 1 [ECF No. 94]	See Defendant's response to MIL #1. Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL. Not hearsay because not offered for truth of the matter asserted.	
218	Subpoena to testify at deposition	n/a		Various/Impachment; Curiel	FRE 401, 402, 403; 802 – see Standing Order for Civil Trials at ¶38.		
219	Performance improvement plan	IXL-3839	IXL-3844	Reasonable Belief; Curiel	PLTFS: Subject to objections raised in Plaintiffs' MIL No. 2 [ECF No. 95]; FRE 401, 402, 403; 802	See Defendant's Response to MIL #2. Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of	

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
						Duane's beliefs about IXL. Rule 602 has no bearing on the admissibility of the document itself. Not hearsay - not offered for the truth of the matter asserted.	
220	Email from Milin re: Schedule	IXL-3823		Reasonable Belief; Curiel	PLTFS: Subject to objections raised in Plaintiffs' MIL No. 2 [ECF No. 95]; FRE 401, 402, 403;802	See Defendant's response to MIL #2.Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL.	
221	Email to Milin re: Curiel working from home	IXL-3827		Reasonable Belief; Curiel	PLTFS: Subject to objections raised in Plaintiffs' MIL No. 2 [ECF No. 95]; FRE 401, 402, 403; 802	See Defendant's response to MIL #2. Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL.	
222	Email from Duane to Penner re: Supervising Curiel on Project	IXL-3814	IXL-3816	Reasonable Belief; Background; Duane	PLTFS: Inaccurate record reference or inappropriate record compilation; Subject to objections raised in Plaintiffs' MIL No. 2 [ECF No. 95]; FRE 401, 402, 403; 802	See Defendant's response to MIL #2. Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL. Not hearsay because not offered for truth of the matter asserted. This is	

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
						not a summary, it is a conversation, and FRE 1006 is therefore inapplicable.	
223	Email from Penner to Duane re: Curiel being tough to manage; working from home; would not want to manage Curiel	IXL-3807	IXL-3809	Reasonable Belief; Background; Duane; Curiel	PLTFS: Subject to objections raised in Plaintiffs' MIL No. 2 [ECF No. 95]; FRE 401, 402, 403; 802	See Defendant's response to MIL #2. Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL. This is not a summary, it is a conversation, and FRE 1006 is therefore inapplicable. 1006 is also inapplicable because this item is not being offered to prove the content of the e-mails, but rather as evidence of the reasonableness of Duane's beliefs about IXL	
224	Email from Duane to Milin re: iPad testing; Curiel vacation instead of helping with task	IXL-3631		Reasonable Belief; Duane	PLTFS: FRE 401, 402, 403	Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL.	
225	Email from Duane to Wu re: Curiel home sick but	IXL-3828	IXL-3831	Reasonable Belief; Background; Duane	PLTFS: Subject to objections raised in PLTFS' MIL No. 2 [ECF	See Defendant's response to MIL #2. Relevant (not outweighed by 403	

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
	still going out at night				No. 95]; FRE 401, 402, 403; 802	prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL. Not hearsay because not offered for truth of the matter asserted.	
226	Email from Milin to Duane re: Curiel not checking in on iPad testing	IXL-3820		Reasonable Belief; Duane	PLTFS: Subject to objections raised in Plaintiffs' MIL No. 2 [ECF No. 95]; FRE 401, 402, 403; 802	See Defendant's response to MIL #2. Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL. Not hearsay because not offered for truth of the matter asserted.	
227	Email from Penner to Duane re: Curiel late for work and missed meeting	IXL-3812	IXL-3813	Reasonable Belief; Duane	PLTFS: Subject to objections raised in Plaintiffs' MIL No. 2 [ECF No. 95]; FRE 401, 402, 403; 802	See Defendant's response to MIL #2. Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL. Not hearsay because not offered for truth of the matter asserted.	
228	Screenshot Duane to Curiel re: Playing hookie together when	EEOC_000827		Reasonable Belief; Duane	FRE 401, 402, 403, 106	Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of	

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
	his trans hurts too much					Duane's beliefs about IXL. Not hearsay because not offered for truth of the matter asserted. Plaintiffs do not explain why this item is incomplete under Rule 106, or what they propose for supplementary context.	
229	Email from Milin to Curiel re: Time Requests	IXL-3833		Reasonable Belief; Curiel	PLTFS: Subject to objections raised in Plaintiffs' MIL No. 2 [ECF No. 95]; FRE 401, 402, 403; 802	Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL. Not hearsay because not offered for truth of the matter asserted.	
230	Email from Milin to Curiel re: Sick days and Non-sick days	IXL-3832		Reasonable Belief; Curiel; Duane	PLTFS: Subject to objections raised in Plaintiffs' MIL No. 2 [ECF No. 95]; FRE 401, 402, 403; 802	See Defendant's response to MIL #2. Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL. Not hearsay because not offered for truth of the matter asserted.	
232	Email from Keyes to Curiel re: Testing Help; checking in	IXL-3816		Reasonable Belief; Curiel; Duane; Keyes	PLTFS: Subject to objections raised in Plaintiffs' MIL No. 2 [ECF No.	See Defendant's response to MIL #2. Relevant (not outweighed by 403 prejudice) as to	

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
	before Curiel takes the day off				95]; FRE 401, 402, 403; 802	background and to assess the reasonableness of Duane's beliefs about IXL. Not hearsay because not offered for truth of the matter asserted.	
233	Screenshot Duane chat re: Poor computer technology	EEOC_000844		Reasonable Belief; Office Action; Duane	FRE 401, 402, 403	Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL. Not hearsay because not offered for truth of the matter asserted. Plaintiffs do not explain why this item is incomplete under Rule 106, or what they propose for supplementary context.	
234	Screenshot Duane to Curiel re: Part time from home; not wanting to be at work; company sucks	EEOC_000825		Reasonable Belief; Office Action; Duane	FRE 401, 402, 403, 106	Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL. Not hearsay because not offered for truth of the matter asserted. Plaintiffs do not explain why this item is incomplete under Rule 106, or what they propose for	

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
						supplementary context.	
235	Chat between Duane and Zander Keigre: Moving out of Jenna's house; Seeing his old coworkers at hearing; How awful his experience was at IXL	EEOC_000342		Reasonable Belief; Office Action; Duane	PLTFS: Subject to objections raised in Plaintiffs' MIL No. 1 [ECF No. 94]; FRE 401, 402, 403; 802	See Defendant's response to MIL #1. Relevant (not outweighed by 403 prejudice) to show Duane's state of mind. Not hearsay because not offered for truth of the matter asserted.	
236	Glassdoor Invoices	EEOC 001020	EEOC_001022	Office Action; Mishkin	PLTFS: FRE 106 - offer O'Brien Declaration that accompanied the subpoena responses to offer complete evidence of the records. We would agree to combining the two records into one Exhibit.		
237	Email chain re: Assistance needed... please write a Glassdoor review	IXL-1362	IXL-1363	Office Action; Mattison; Keyes	None		
238	The EEOC's Complaint (ECF No. 12)	n/a		Various			
239	NLRB Hearing Transcript	n/a		Various; Duane; Keyes; Mishkin	FRE 401, 402, 403;- see Standing Order for Civil Trials at ¶¶ 38-39; Subject to Pltfs' MIL No. 1 [ECF No. 94.]		

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
240	Adrian Scott Duane Deposition Transcript	n/a		Various; Duane	FRE 401, 402, 403 – see Standing Order for Civil Trials at ¶¶ 38-39		
243	Emails between Keyes and Duane re: Return update	IXL-1644	IXL-1646	Reasonable Belief; Request for Accommodation; Duane; Keyes	None		
245	Email from Prado to Mishkin, Ockerberg, and Keyes re: Glassdoor Review	IXL-1666		Office Action; Keyes; Mishkin	PLTFS: Joint Exh., will use first marked Exh. 29		
247	Email from Penner to Prado re: Glassdoor Review - Scott Duane	IXL-1685	IXL-1687	Reasonable Belief; Office Action; Duane; Prado; Mishkin	PLTFS: Should be marked on list as Exh. 30; FRE 401, 402, 403, 802, 805.	This is a copy of the Glassdoor post itself, with comments from Penner about the identity of the author, which is not in dispute. Unclear what Plaintiffs are objecting to.	
248	NLRB Complaint and Notice of Hearing	n/a		Office Action; Duane	FRE 401, 402, 403; 802; subject to Pltfs. MIL No. 1 [ECF No. 94.]		
249	Copy of the Decision of the Administrative Law Judge	n/a		Office Action; Reasonable Belief; Duane; Keyes; Mishkin	FRE 401, 402, 403; 802; subject to Pltfs. MIL No. 1 [ECF No. 94.]		
250	NLRB Order Dismissing Complaint	n/a		Office Action; Reasonable Belief; Duane;	FRE 401, 402, 403; 802; subject to Pltfs. MIL No. 1 [ECF No. 94.]		

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
				Keyes; Mishkin			
251	Charge filed by Adrian Scott Duane with the EEOC	n/a		Office Action; Reasonable Belief; Duane	FRE 401, 402, 403; subject to Pltfs. MIL No. 1 [ECF No. 94.]		
252	EEOC's Determination	n/a		Office Action; Reasonable Belief; Duane; Mishkin	FRE 401, 402, 403; 802; subject to Pltfs. MIL No. 1 [ECF No. 94.]		
253	Isidora Milin Deposition Transcript	n/a		Various; TBD	FRE 401, 402, 403; 602; 802 – see Standing Order for Civil Trials at ¶¶ 38-39		
254	Image of Isidora Milin as taken from her LinkedIn Account	n/a		Various; TBD	FRCPP 26; FRE 401; 402; 403; 602; 901, 1002		
255	Plaintiff Equal Employment Opportunity Commission's Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1)	n/a		Various; TBD	FRE 401, 402, 403; 602; 802 – see Standing Order for Civil Trials at ¶ 38.		
256	Plaintiff EEOC's Responses and Objections to Defendant's Second Set of Requests of Documents to Plaintiff Equal Employment Opportunity Commission	n/a		Various; TBD	FRE 401, 402, 403; 602; 802 – see Standing Order for Civil Trials at ¶ 38.		
257	Duane's Response to	n/a		Various; TBD	FRE 401, 402, 403; 602; 802 –		

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
	First Interrogatories				see Standing Order for Civil Trials at ¶ 38.		
258	Duane's Response to First RFA	n/a		Various; TBD	FRE 401, 402, 403; 602; 802 – see Standing Order for Civil Trials at ¶ 38.		
259	Duane's Response to First RFP	n/a		Various; TBD	FRE 401, 402, 403; 602; 802 – see Standing Order for Civil Trials at ¶ 38.		
260	Pl's Responses and Obj to First Interrogatories	n/a		Various; TBD	FRE 401, 402, 403; 602; 802 – see Standing Order for Civil Trials at ¶ 38.		
261	Plaintiff's Responses and Objections to First RFA	n/a		Various; TBD	FRE 401, 402, 403; 602; 802 – see Standing Order for Civil Trials at ¶ 38.		
262	Plaintiff's Responses and Objections to First RFP	n/a		Various; TBD	FRE 401, 402, 403; 602; 802 – see Standing Order for Civil Trials at ¶ 38.		
263	Duane's Response to Second Interrogatories	n/a		Various; TBD	FRE 401, 402, 403; 602; 802 – see Standing Order for Civil Trials at ¶ 38.		
264	Duane's Response to Second RFAs	n/a		Various; TBD	FRE 401, 402, 403; 602; 802 – see Standing Order for Civil Trials at ¶ 38.		
265	Duane's Response to Second RFPs	n/a		Various; TBD	FRE 401, 402, 403; 602; 802 – see Standing Order for Civil Trials at ¶ 38.		
266	EEOC Response to Second Interrogatories	n/a		Various; TBD	FRE 401, 402, 403; 602; 802 – see Standing		

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
					Order for Civil Trials at ¶ 38.		
267	EEOC Response to Second RFAs	n/a		Various; TBD	FRE 401, 402, 403; 602; 802 – see Standing Order for Civil Trials at ¶ 38.		
268	EEOC Response to Second RFPs	n/a		Various; TBD	FRE 401, 402, 403; 602; 802 – see Standing Order for Civil Trials at ¶ 38.		
269	David Keyes to Kate Mattison requesting time to speak re Adrian Scott Duane	IXL-1818		Office Action; Background; Keyes; Mattison	PLTFS: FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why their admitted relevance would be outweighed by Rule 403 factors.	
270	G-Chat, Adrian Scott Duane, Nina Wu gchat exchanges re complaints about work. Nina Wu suggests to Adrian Scott Duane to present to management in a way to show IXL Learning, Inc. can grow professionally, and when he leaves for next career step, you come out better and more knowledgeable and skilled.	IXL-0783	IXL-0784	Background; Duane	PLTFS: FRE 401, 402, 403, 802, 805	Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL. Not hearsay because not offered for truth of the matter asserted. Rule 805 is not a basis to exclude evidence.	

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
271	Adrian Scott Duane gchat exchanges with Nina Wu while Adrian Scott Duane out of office working remote and new meds making him sick in the morning so will likely come to office later.	IXL-0786	IXL-0787	Background; Reasonable Belief; Duane	PLTFS: FRE 401, 402, 403	Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL.	
272	Adrian Scott Duane requesting work remote for rest of day as not feeling well. David Keyes responds "that's fine. hope you feel better!"	IXL-0788		Background; Reasonable Belief; Duane; Keyes	PLTFS: FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why their admitted relevance would be outweighed by Rule 403 factors.	
273	G-Chat, Adrian Scott Duane, Nina Wu gchat exchange re complaints about working and Adrian Scott Duane taking over "Po's" seat and complaints that office is micro-managed as a result. David Keyes asked Adrian Scott Duane to move back to desk. "WTF is the point of even	IXL-0792	IXL-0796	Background; Reasonable Belief; Alleged Opposition Activity; Duane;	PLTFS: FRE 401, 402, 403	Relevant (not outweighed by 403 prejudice) as to background and the reasonableness of Duane's beliefs about IXL.	

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
	saying anything. Swallow it and move on, like a backroom blowjob." Adrian Scott Duane states David Keyes asked him to make his appts more regular coincidentally same day as bug bust nights, and was asked to change it again.						
274	Gary Yee, McCreath, gchat exchanges re Scott Duane using comp. computer for personal use	IXL-0797	IXL-0798	Background; Duane	PLTFS: Should be marked as Exh. 03; FRE 401, 402, 403; 404(b)	Relevant (not outweighed by 403 prejudice) as to Duane's background. Plaintiffs do not explain why this evidence would be unfairly prejudicial.	
275	Gary Yee, Nina Wu gchat exchanges re Adrian Scott Duane out today and tomorrow.	IXL-0799		Background; Reasonable Belief; Duane	PLTFS: FRE 401, 402, 403	Relevant (not outweighed by 403 prejudice) as to the reasonableness of Duane's beliefs about IXL. Plaintiffs do not explain why this evidence would be unfairly prejudicial.	
276	Adrian Scott Duane, David Keyes gchat exchange req sick day on	IXL-0800		Background; Reasonable Belief; Duane; Keyes	PLTFS: FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why	

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
	Monday to enter into ADP system.					their admitted relevance would be outweighed by Rule 403 factors.	
277	Isadora Milin to Adrian Scott Duane stating that skills ask students to add 8-10 decimals with 3 decimals places with a sad face. Adrian Scott Duane responds sarcastically "what, you don't think forcing them into drudgery will make them love math?"	IXL-0802		Background; Reasonable Belief; Duane	PLTFS: Should be marked as Exh. 37; FRE 401, 402, 403; 802	Relevant (not outweighed by 403 prejudice) as to the reasonableness of Duane's beliefs about IXL and background. Plaintiffs do not explain why this evidence would be unfairly prejudicial.	
278	Scott Duane, Richard Cudney gchat exchange re recurring appts on Thursdays	IXL-0803		Background; Reasonable Belief; Duane	PLTFS: FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why their admitted relevance would be outweighed by Rule 403 factors.	
279	David Keyes, Kate Mattison gchat exchanges re Scott Duane leave	IXL-0804		Background; Reasonable Belief; Duane; Request for Accommodation; Keyes; Mattison	PLTFS: Should be marked at Exh. 44; FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why their admitted relevance would be outweighed by Rule 403 factors.	
280	Adrian Scott Duane, Jeremy	IXL-0806	IXL-0807	Background; Reasonable	PLTFS: Should be marked as	Plaintiffs do not dispute the	

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
	Murphy gchat exchanges re medical leave			Belief; Duane; Murphy	Exh. 21; FRE 403	relevance of these documents, yet fail to explain why their admitted relevance would be outweighed by Rule 403 factors.	
281	Lenore Ockerberg, Maricela Prado gchat exchanges re Scott Duane	IXL-0808	IXL-0809	Background; Reasonable Belief; TBD	Should be marked as Exh. 24; No objection		
282	Gina Bland, David Keyes gchat exchanges re Adrian Scott Duane and spoke with Scott re going back over dates for working remotely.	IXL-0811		Background; Reasonable Belief; Keyes	PLTFS: FRE 401, 402, 602	Relevant to Duane's arguments about discrimination in remote working plans. Rule 602 does not operate to exclude documents that are self-authenticating or can be authenticated at trial.	
283	Lenore Ockerberg, Maricela Prado gchat exchanges re Scott Duane request work return	IXL-0815	IXL-0816	Background; Reasonable Belief; Request for Accommodation; Duane; TBD	Should mark as Exh. 025; no objection		
284	David Keyes, Kate Mattison gchat exchanges req meeting re Adrian Scott Duane	IXL-0818		Background; Reasonable Belief; Office Action; Duane; Keyes; Mattison	PLTFS: Should mark as Exh. 14; FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why their admitted relevance would be outweighed by Rule 403 factors.	

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
285	Scott Duane, Isadora Milin gchat exchanges requesting meeting about project	IXL-0824	IXL-0825	Background; Duane	PLTFS: Should mark as Exh. 38; FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why their admitted relevance would be outweighed by Rule 403 factors.	
286	Adrian Scott Duane, Nemo Curiel gchat exchanges re mtg about projects and Adrian Scott Duane's annual review was moved to Friday.	IXL-0826	IXL-0827	Background; Office Action; Duane; Curiel	PLTFS: You previously represented this document was a glitch in your system since it is not possible that this conversation happened with Nemo Curiel who was no longer employed; Not self-authenticating under 902(13).		
287	Eric McCrea, Mark Ritterhoff gchat exchanges re subject Glassdoor post and guess as to who the author is. McCrea states his experience at IXL "does not jive with his/her experience."	IXL-0828	IXL-0829	Background; Mishkin Keyes; Duane	PLTFS: FRE 401, 402, 403; 602	Relevant to Duane's arguments about discrimination in remote working plans. Rule 602 does not operate to exclude documents that are self-authenticating or can be authenticated at trial.	
288	Mark Ritterhoff, Jeremy Mejia gchat exchanges re	IXL-0830		Background; Mishkin Keyes; Duane	PLTFS: FRE 403, 602, 802, 805	Relevant to Duane's arguments about discrimination in remote working	

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
	subject Glassdoor post and question who author is					plans. Rule 602 does not operate to exclude documents that are self-authenticating or can be authenticated at trial. Rule 805 does not exclude any evidence from trial.	
289	Gina Bland, David Keyes g-chat re Adrian Scott Duane termination asking if Gina had heard and David states will be speaking with everyone personally about termination.	IXL- 0831	IXL- 0832	Background; Office Action; Keyes	PLTFS: Should mark as Exh. 51; FRE 401, 402	Relevant to show IXL response to Glassdoor post.	
290	Mark Ritterhoff, McCeaE gchat	IXL- 0833	IXL- 0834	Background; Keyes; Mishkin	PLTFS: FRE 401, 402; 602	Relevant to show IXL response to Duane Post and termination. Rule 602 does not operate to exclude documents that are self-authenticating or can be authenticated at trial.	
291	David Keyes, Josh Gevirtz gchat exchange re Adrian Scott Duane termination and David Keyes	IXL- 0835		Background; Keyes	PLTFS: FRE 401, 402		

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
292	Jeremy Murphy gchat with Jessica Morse asking how she feels about Adrian Scott Duane's termination.	IXL-0837	IXL-0839	Background; Murphy	Should mark as Exh. 22; no objection		
293	Kate Mattison to David Keyes approving and stating David's response to Adrian Scott Duane looks good	IXL-1388	IXL-1389	Background; Office Action; Request for Accommodation; Mattison; Keyes	PLTFS: Should mark as Exh. 12; Joint as to IXL-1388; otherwise attempts to pull in separate document		
294	Paul Mishkin, Maricela Prado gchat exchanges re strategy of response to Adrian Scott Duane unemployment claim	IXL-1920		Background; Mishkin	PLTFS: Not self-authenticating pursuant to 902(13); Subject to objections in Plaintiffs' MIL No. 1 [ECF No. 94.]; FRE 106, 401, 402, 403	Withdrawn	
295	Scott Duane, Maricela Prado gchat exchanges re disability restrictions, Maricela Prado instructing Scott to apply soon.	IXL-1936	IXL-1937	Request for Accommodation; Office Action; Duane	PLTFS: Not self-authenticating pursuant to 902(13); Subject to objections in Plaintiffs' MIL No. 1 [ECF No. 94.]; FRE 106, 401, 402, 403	See Defendant's response to MIL #1. Plaintiffs do not identify additional docs that should be offered for context/completeness. Relevant (not outweighed by 403 considerations) to show IXL response to Duane termination. Plaintiffs fail to explain why this document cannot be authenticated at trial.	

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
296	Scott Duane, Keyes gchat exchanges re PTO	IXL-1938	IXL-1945	Request for Accommodation; Office Action; Background; Duane; Keyes	PLTFS: Not self-authenticating pursuant to 902(13); Subject to objections in Plaintiffs' MIL No. 1 [ECF No. 94.]; FRE 106, 401, 402, 403	See Defendant's response to MIL #1. Plaintiffs do not identify additional docs that should be offered for context/completeness. Relevant (not outweighed by 403 considerations) to show IXL response to Duane termination. Plaintiffs fail to explain why this document cannot be authenticated at trial.	
297	Lenore Ockerberg req. time to speak with David Keyes with Mari re Adrian Scott Duane	IXL-3642		Background; Keyes	None		
298	Paul Mishkin instructs Maricela Prado to not respond to Adrian Scott Duane	IXL-3701	IXL-3706	Background; Mishkin	PLTFS: Inappropriate compilation of records that were produced as separate records. FRE 106; 401; 402; 403; 802; not self-authenticating under 902(13)	Relevant (not outweighed by 403 prejudice) as to the background and the reasonableness of Duane's beliefs about IXL. Not hearsay because not offered for truth of the matter asserted. This is not a summary, it is a conversation, and FRE 1006 is therefore inapplicable. 1006 is also inapplicable because this item is not being offered to prove	

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
						the content of the e-mails, but rather as evidence of the reasonableness of Duane's beliefs about IXL. Plaintiffs do not identify additional docs that should be offered for context/completeness per Rule 106.	
299	Nemo Curiel requests and Isadora Milin approves leaving early at 5 and work remotely rest of day.	IXL-3803		Background; Curiel	PLTFS: Subject to objections raised in Plaintiffs' MIL No. 2 [ECF No. 95]; FRE 401, 402, 403; 802	Relevant (not outweighed by 403 prejudice) as background information. Not hearsay because not offered for truth of the matter asserted.	
300	Nemo Curiel requests and Isadora Milin approves leaving early at 3 and work remotely rest of day.	IXL-3804		Background; Curiel	PLTFS: Subject to objections raised in Plaintiffs' MIL No. 2 [ECF No. 95]; FRE 401, 402, 403; 802	See Defendant's response to MIL #2. Relevant (not outweighed by 403 prejudice) as background information. Not hearsay because not offered for truth of the matter asserted.	
301	Nemo Curiel working from home today.	IXL-3805		Background; Curiel	PLTFS: Subject to objections raised in Plaintiffs' MIL No. 2 [ECF No. 95]; FRE 401, 402, 403; 802	See Defendant's response to MIL #2. Relevant (not outweighed by 403 prejudice) as background information. Not hearsay because not offered for truth of the matter asserted.	

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
303	Nemo Curiel requests and Isadora Milin approves leaving	IXL-3810		Background; Curiel	PLTFS: Subject to objections raised in Plaintiffs' MIL No. 2 [ECF No. 95]; FRE 401, 402, 403; 802	See Defendant's response to MIL #2. Relevant (not outweighed by 403 prejudice) as background information. Not hearsay because not offered for truth of the matter asserted.	
307	Nemo Curiel states he's leaving for day and "recovering from last night"	IXL-3835	IXL-3836	Background; Curiel	PLTFS: Subject to objections raised in Plaintiffs' MIL No. 2 [ECF No. 95]; FRE 401, 402, 403; 802	See Defendant's response to MIL #2. Relevant (not outweighed by 403 prejudice) as background information. Not hearsay because not offered for truth of the matter asserted.	
308	Nina Wu gchat and Adrian Scott Duane responds	IXL-3838	IXL-3839	Background; Curiel	PLTFS: Incomplete reference to record at IXL-3837-IXL-3838 and IXL-3839-3844 (see 219); Subject to objections raised in Plaintiffs' MIL No. 2 [ECF No. 95]; FRE 401, 402, 403; 802	See Defendant's Response to MIL #2. Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL. Rule 602 has no bearing on the admissibility of the document itself. Not hearsay - not offered for the truth of the matter asserted.	
309	2013.11.11 MattisonK DuaneA Email	IXL-1382	IXL-1383	Background; Reasonable Belief;	PLTFS: (IXL-1382) FRE 401, 402, 403 -----	Relevant (not outweighed by 403 prejudice) as background	

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
	Exchange Re Req Time Off			Mattison; Duane	(IXL-1383) Inappropriate compilation of records, Should just refer to the more complete thread. FRE 401, 402, 403	information and to assess the reasonableness of Duane's belief concerning IXL's conduct..	
310	2013.12.03 MattisonK DuaneA Email Exchange Re Req Time Off	IXL-1386	IXL-1387	Background; Reasonable Belief; Mattison; Duane	(IXL-1386) PLTFS: FRE 401, 402, 403 ----- (IXL-1387) PLTFS: Inappropriate compilation of records, should just refer to more complete thread. FRE 401, 402, 403	Relevant (not outweighed by 403 prejudice) as background information and to assess the reasonableness of Duane's belief concerning IXL's conduct.. This is not a summary, it is a conversation, and FRE 1006 is therefore inapplicable. 1006 is also inapplicable because this item is not being offered to prove the content of the e-mails, but rather as evidence of the reasonableness of Duane's beliefs about IXL.	
311	2013.12.17 DuaneA MattisonK Email exch re remote request	IXL-1390	IXL-1393	Background; Reasonable Belief; Mattison; Duane	PLTFS: Inappropriate compilation of records, should just refer to more complete thread. FRE 401, 402, 403	Relevant (not outweighed by 403 prejudice) as background information and to assess the reasonableness of Duane's belief concerning IXL's conduct.. This is not a summary, it is a conversation, and FRE 1006 is	

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
						therefore inapplicable. 1006 is also inapplicable because this item is not being offered to prove the content of the e-mails, but rather as evidence of the reasonableness of Duane's beliefs about IXL.	
313	2014.01.30 DuaneA email exch re surgery, Out of Office	IXL-1471	IXL-1474	Background; Reasonable Belief; Duane	PLTFS: Joint as to only Duane/group email re February 2014 leave; however, the remaining records are not; Inappropriate compilation of 4 separate records with different declarants; violates FRE 1006; 401, 402, 403, 602, 802	Relevant (not outweighed by 403 prejudice) as background information and to assess the reasonableness of Duane's belief concerning IXL's conduct.. Rule 602 does not operate to exclude evidence where it may be self-authenticating or authenticated at trial. This is not a summary, it is a conversation, and FRE 1006 is therefore inapplicable. 1006 is also inapplicable because this item is not being offered to prove the content of the e-mails, but rather as evidence of the reasonableness of Duane's beliefs about IXL. It is not hearsay because it is not being offered for the	

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
						truth of the matter asserted, but rather to show Duane's state of mind and assess the reasonableness of his beliefs concerning IXL's conduct.	
314	2014.02.26 DuaneA KeyesD Email re schedule from Surgery	IXL- 1502	IXL- 1504	Background; Reasonable Belief; Keyes; Duane	PLTFS: Inappropriate compilation - should just refer to most complete thread at IXL- 1504; FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why their admitted relevance would be outweighed by Rule 403 factors. This is not a summary, it is a conversation, and FRE 1006 is therefore inapplicable. 1006 is also inapplicable because this item is not being offered to prove the content of the e-mails, but rather as evidence of the reasonableness of Duane's beliefs about IXL.	
315	2014.03.03 DuaneA KeyesD Email Exchange Re PTO	IXL- 1506		Background; Reasonable Belief; Duane; Keyes	PLTFS: FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why their admitted relevance would be outweighed by Rule 403 factors.	

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EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
316	2014.03.04 DuaneA Email to Math Team Re PTO	IXL- 1507		Background; Reasonable Belief; Duane	PLTFS: FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why their admitted relevance would be outweighed by Rule 403 factors.	
317	2014.04.03 DuaneA Email to Math Team Re Working Remote.	IXL- 1511		Background; Reasonable Belief; Duane	PLTFS: FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why their admitted relevance would be outweighed by Rule 403 factors.	
318	2014.05.02 DuaneA Email to Math Team Re Working Remote	IXL- 1514		Background; Reasonable Belief; Duane	PLTFS: FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why their admitted relevance would be outweighed by Rule 403 factors.	
319	2014.05.20 DuaneA Email to Math Team Re Working Remote	IXL- 1518		Background; Reasonable Belief; Duane	PLTFS: FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why their admitted relevance would be outweighed by Rule 403 factors.	
320	2014.05.22 DuaneA Email to Math Team Re Working Remote	IXL- 1519		Background; Reasonable Belief; Duane	PLTFS: FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why their admitted relevance would	

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
						be outweighed by Rule 403 factors.	
321	2014.06.04 DuaneA Email to Unknown Re Working Remote	IXL- 1526		Background; Reasonable Belief; Duane	PLTFS: FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why their admitted relevance would be outweighed by Rule 403 factors.	
322	2014.06.10 DuaneA Keye D Email Exchange Re Working Remote	IXL- 1527	IXL- 1529	Background; Reasonable Belief; Duane	PLTFS: Inappropriate compilation of records, should identify the most complete thread; FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why their admitted relevance would be outweighed by Rule 403 factors. This is neither a 1006 compilation, nor do Plaintiffs' explain why it is incomplete per Rule 602.	
323	2014.07.02 DuaneA Email to Math Team Re Working Remote	IXL- 1532		Background; Reasonable Belief; Duane	PLTFS: FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why their admitted relevance would be outweighed by Rule 403 factors.	
324	2014.07.17 DuaneA Email to Unknown Re Working Remote	IXL- 1538		Background; Reasonable Belief; Duane	PLTFS: FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why their admitted relevance would	

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
						be outweighed by Rule 403 factors.	
325	2014.07.22 DuaneA Email re Working Remote on Tuesdays	IXL- 1539		Background; Reasonable Belief; Duane	PLTFS: Incomplete and not self- authenticating under FRE 902(13); FRE 401, 402, 403	Relevant (not outweighed by 403 prejudice) as background information and to assess the reasonableness of Duane's belief concerning IXL's conduct. Plaintiffs do not explain why this item is incomplete per Rule 106, nor why it is not self- authenticating or cannot be authenticated at trial.	
326	2014.07.25 DuaneA Email to Math Team Re Working Remote	IXL- 1543		Background; Reasonable Belief; Duane	PLTFS: FRE 403	Plaintiffs do not dispute the relevance of these documents, yet fail to explain why their admitted relevance would be outweighed by Rule 403 factors.	
327	2014.08.01 DuaneA Email to Unknown Re Working Remote	IXL- 1548		Background; Reasonable Belief; Duane	PLTFS: Incomplete and not self- authenticating under FRE 902(13); FRE 401, 402, 403	Relevant (not outweighed by 403 prejudice) as background information and to assess the reasonableness of Duane's belief concerning IXL's conduct. Plaintiffs do not explain why this item is incomplete per Rule 106, nor why	

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
						it is not self-authenticating or cannot be authenticated at trial.	
328	2014.08.22 DuaneA Keyes D Email Exchange Re PTO for Chile	IXL- 1549		Background; Reasonable Belief; Duane	PLTFS: FRE 401, 402, 403	Relevant (not outweighed by 403 prejudice) as background information and to assess the reasonableness of Duane's belief concerning IXL's conduct..	
329	2014.08.26 DuaneA Email to Unknown Re Working Remote	IXL- 1550		Background; Reasonable Belief; Duane	PLTFS: Incomplete and not self- authenticating under FRE 902(13); FRE 106, 401, 402, 403	Relevant (not outweighed by 403 prejudice) as background information and to assess the reasonableness of Duane's belief concerning IXL's conduct. Plaintiffs do not explain why this item is incomplete per Rule 106, nor why it is not self-authenticating or cannot be authenticated at trial.	
330	2014.09.03 DuaneA KeyesD Email Exchange Re Sick Day	IXL- 1553	IXL- 1560	Background; Reasonable Belief; Duane	PLTFS: Inappropriate compilation of records, should just refer to the most complete record in the thread. FRE 403	This is neither a 1006 compilation, nor do Plaintiffs' explain why it is incomplete per Rule 602. Plaintiffs do not dispute the relevance of these documents, yet fail	

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
						to explain why their admitted relevance would be outweighed by Rule 403 factors.	
331	2014.10.03 DuaneA Email re PTO in Nov - Dec	IXL- 1608	IXL- 1612	Background; Reasonable Belief; Duane	Joint as to IXL- 1608; PLTFS: as to IXL-1609-12 as inaccurate compilation of records without compliance with FRE 10006; 401, 402, 403, 602, 802 ----- (IXL-1609) PLTFS: Inappropriate compilation of records. FRE 401, 402, 403 ----- (IXL-1610) PLTFS: Inappropriate compilation of records, should just refer to the most complete record in the thread. FRE 401, 402, 403 ----- (IXL-1611) PLTFS: Inappropriate compilation of records. FRE 401, 402, 403 ----- (IXL-1612) PLTFS: Inappropriate compilation of	Relevant (not outweighed by 403 prejudice) as to background and to assess the reasonableness of Duane's beliefs about IXL. Not hearsay because not offered for truth of the matter asserted. This is not a summary, it is a conversation, and FRE 1006 is therefore inapplicable. 1006 is also inapplicable because this item is not being offered to prove the content of the e-mails, but rather as evidence of the reasonableness of Duane's beliefs about IXL	

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
					records. FRE 401, 402, 403		
338	2014.03.25 Email between Keyes and Mattison regarding Duane's performance	IXL-1508		Rebuttal of allegations; Duane	none		
340	2014.09.11 Email between Duane and Keyes regarding upcoming surgery leave	IXL-1572		Reasonableness of Beliefs; Duane	none		
342	Summary of Correspondence from Duane requesting sick leave or remote work	n/a		Various; TBD; Duane	Having not seen this document, Pltfs reserve all objections to this document. To the extent that this is a placeholder for a demonstrative exhibit, the parties should confer with the Court and one another regarding the appropriate process for the use of demonstratives		
343	https://www.youtube.com/watch?v=x-hgTpyq94&t=7s&frags=pl%2Cwn	n/a		Background	FRCP 26, FRE 401, 402, 403, 802– see Standing Order for Civil Trials at ¶ 33		
344	https://www.youtube.com/watch?v=DlzAfynLTO4&frags=pl%2Cwn	n/a		Background	FRCP 26, FRE 401, 402, 403, 802– see Standing Order for Civil Trials at ¶ 33		

JOINT TRIAL EXHIBIT LIST

EX NO.	DESCRIPTION	BEG BATES	END BATES	WITNESS/PURPOSE	OBJECTION	RESPONSE	COURT USE
	The parties agree that they may use any exhibit identified, if admitted by the court						