

Nos. 18-6102 / 18-6165

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

RACHEL TUDOR,

Plaintiff-Appellant/ Cross-Appellee,

v.

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

Defendants-Appellees/ Cross-Appellants.

On appeal from the United States District Court
for the Western District of Oklahoma
The Hon. Robin J. Cauthron
No. 5:15-CV-00324-C

SUPPLEMENTAL APPENDIX *for* DEFENDANTS–APPELLEES/CROSS-APPELLANTS

VOLUME 13

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Exhibit 13

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
RACHEL TUDOR,)	
)	
Plaintiff Intervenor,)	
)	
-vs-)	No. 5:15-CV-00324-C
)	
SOUTHEASTERN OKLAHOMA STATE)	
UNIVERSITY, and)	
)	
THE REGIONAL UNIVERSITY)	
SYSTEM OF OKLAHOMA,)	
)	
Defendant.)	

DEPOSITION OF THE HONORABLE JUDGE RICHARD OGDEN

TAKEN ON BEHALF OF THE PLAINTIFF INTERVENOR

IN OKLAHOMA CITY, OKLAHOMA

ON AUGUST 26, 2016

REPORTED BY: JENNI L. GUNTER, CSR

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1 Q (By Mr. Young) Were there any policies
2 or practices in place at the time that required
3 notification of the board by someone at
4 Southeastern of such claims?

03:06PM

5 A That, I don't know. I don't -- I just --
6 I don't know.

7 Q At some point did RUSO take steps to
8 investigate Dr. Tudor's complaints?

03:07PM

9 A When you talk about RUSO, what do you
10 mean?

11 Q Say, the board.

12 A Okay. I would say the board took steps
13 to gather information, but not to conduct an
14 investigation.

03:07PM

15 Q [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 A [REDACTED]

19 Q [REDACTED]

03:07PM

20 A [REDACTED]
21 [REDACTED] [REDACTED]
22 [REDACTED]
23 [REDACTED] [REDACTED]
24 [REDACTED]

03:07PM

25 [REDACTED] [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 Q Okay. To your recollection, when did the
4 RUSO board start gathering information?

03:08PM 5 A Very soon after the reports in the media.

6 Q I believe you previously testified that
7 you believe those reports emerged sometime towards
8 the end of the 2010/2011 school year?

9 A I believe it was sometime in April of
03:08PM 10 2011, but I just am not totally certain. It could
11 have been -- I know it was before the end of the
12 academic year.

13 Q And who at RUSO was involved in gathering
14 information?

03:08PM 15 A [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 Q And who is Connie Reilly?

19 A She was the chair of the board at the
03:09PM 20 time.

21 Q [REDACTED]
22 [REDACTED]

23 A [REDACTED]
24 [REDACTED]

03:09PM 25 [REDACTED]

1 [REDACTED]

2 A [REDACTED]

3 Q [REDACTED]

4 [REDACTED]

05:35PM 5 A [REDACTED]

6 Q [REDACTED]

7 [REDACTED]

8 A [REDACTED]

9 Q [REDACTED]

05:35PM 10 [REDACTED]

11 A [REDACTED]

12 Q [REDACTED]

13 [REDACTED]

14 [REDACTED]

05:36PM 15 A [REDACTED]

16 Q [REDACTED] [REDACTED]

17 A [REDACTED]

18 Q [REDACTED]

19 A [REDACTED]

05:36PM 20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q [REDACTED] [REDACTED] [REDACTED]

05:37PM 25 [REDACTED]

1 [REDACTED]

2 A [REDACTED]

3 Q [REDACTED]

4 [REDACTED]

05:37PM 5 [REDACTED]

6 A [REDACTED]

7 Q [REDACTED]

8 [REDACTED]

9 A [REDACTED]

05:37PM 10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Q [REDACTED]

05:37PM 15 [REDACTED]

16 A [REDACTED]

17 Q [REDACTED]

18 [REDACTED]

19 A [REDACTED]

05:37PM 20 Q [REDACTED]

21 [REDACTED]

22 A [REDACTED]

23 Q [REDACTED]

24 A [REDACTED]

05:38PM 25 Q [REDACTED]

1 [REDACTED]

2 A [REDACTED]

3 [REDACTED]

4 Q [REDACTED]

05:38PM 5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

05:38PM 10 [REDACTED]

11 A [REDACTED]

12 Q [REDACTED]

13 [REDACTED]

14 [REDACTED]

05:38PM 15 [REDACTED]

16 [REDACTED]

17 A [REDACTED]

18 Q [REDACTED]

19 [REDACTED]

05:38PM 20 [REDACTED]

21 A [REDACTED]

22 Q [REDACTED]

23 [REDACTED]

24 [REDACTED]

05:39PM 25 A [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 Q [REDACTED]

4 [REDACTED]

05:39PM 5 A [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q [REDACTED]

05:39PM 10 [REDACTED]

11 A [REDACTED]

12 Q [REDACTED]

13 A [REDACTED]

14 [REDACTED]

05:40PM 15 Q [REDACTED]

16 [REDACTED]

17 A [REDACTED]

18 [REDACTED]

19 [REDACTED]

05:40PM 20 [REDACTED]

21 Q [REDACTED]

22 A [REDACTED]

23 [REDACTED]

24 [REDACTED]

05:40PM 25 [REDACTED]

1 Q [REDACTED]

2 [REDACTED]

3 A [REDACTED]

4 Q [REDACTED]

05:40PM 5 [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED]

7 A [REDACTED]

8 Q [REDACTED] [REDACTED]

9 [REDACTED]

05:40PM 10 A [REDACTED]

11 [REDACTED]

12 Q [REDACTED]

13 [REDACTED]

14 MS. COFFEY: Object to form, asked and

05:40PM 15 answered.

16 A [REDACTED]

17 [REDACTED]

18 Q (By Mr. Young) [REDACTED]

19 [REDACTED]

05:41PM 20 [REDACTED]

21 [REDACTED]

22 MS. COFFEY: Object to form.

23 A [REDACTED]

24 [REDACTED] [REDACTED]

05:41PM 25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 Q (By Mr. Young) [REDACTED]

05:41PM 5 [REDACTED]

6 [REDACTED]

7 A [REDACTED]

8 Q [REDACTED]

9 [REDACTED]

05:41PM 10 [REDACTED]

11 A [REDACTED]

12 Q [REDACTED]

13 [REDACTED]

14 A [REDACTED]

05:42PM 15 Q [REDACTED]

16 [REDACTED]

17 A [REDACTED]

18 Q [REDACTED]

19 [REDACTED]

05:42PM 20 A [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q [REDACTED]

05:43PM 25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 A [REDACTED]

4 MS. COFFEY: Object to form, misstates

05:43PM 5 his testimony.

6 A [REDACTED]

7 Q [REDACTED]

8 [REDACTED]

9 A [REDACTED]

05:43PM 10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q [REDACTED]

14 [REDACTED]

05:44PM 15 A [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

05:44PM 20 Q [REDACTED]

21 [REDACTED]

22 A [REDACTED]

23 Q Okay. Thank you.

24 Sitting here today, do you personally

05:44PM 25 believe that President Minks acted appropriately

1 just that it was not -- not -- not the place of
2 the regents.

05:50PM

3 Q Do you believe that it is the place of
4 the regents to ensure that discrimination does not
5 happen on RUSO member school campuses?

6 A Absolutely.

7 Q To your understanding, did Southeastern
8 have policies prohibiting transgender
9 discrimination?

05:50PM

10 A I don't know if transgender was a part or
11 enumerated classification.

12 Q To your understanding, if transgender
13 discrimination happened on Southeastern's campus
14 during this time period, was that something that
15 was prohibited by policy?

05:50PM

16 A I don't know that being prohibited by
17 policy.

05:51PM

18 Q To your understanding, if transgender
19 discrimination happened on Southeastern's campus
20 during this time period, would it have been
21 prohibited by law?

22 MS. COFFEY: Objection, calls for a legal
23 conclusion.

05:51PM

24 A Well, whether or not it would be
25 prohibited by case law or regulation, it wouldn't

Exhibit 26

CERTIFICATE OF COMPLIANCE

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/s/ Zach West

CERTIFICATE OF SERVICE

I certify that on March 11, 2019, I filed the foregoing with this Court and served a copy on all parties via the Court's CM/ECF filing system. A single hard copy of the foregoing, which is an exact copy of the document filed electronically, will be dispatched via commercial carrier to the Clerk of the Court for receipt within 2 business days.

/s/ Zach West

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