IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

THE SUSTAINABLE JOURNALISM FOUNDATION *d/b/a* NONDOC MEDIA *and* WILLIAM W. SAVAGE III,

Plaintiff

v.

STATE OF OKLAHOMA, ex rel. BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA,

Defendant.

Case No. CV-2021-1770

Judge Michael Tupper

THE UNIVERSITY'S MOTION TO RECONSIDER *IN-CAMERA* DISCLOSURE OR, ALTERNATIVELY, FOR CLARIFICATION OF PROCESS AND MOTION FOR HEARING

Defendant, State of Oklahoma, ex rel. Board of Regents of the University of Oklahoma (the "University") respectfully submits this Motion to Reconsider the Court's January 23, 2024, Order Granting *In Camera* Disclosure or, alternatively, for clarification as of *in-camera* process (the "Motion"). The University further requests a hearing on this matter as soon as practicable. In support of this Motion, the University states:

OVERVIEW

The publisher-Plaintiffs are attempting to access records which are made confidential and private pursuant to constitutional, statutory, common-law and policy rights. Providing these records to the Plaintiffs, or anyone, would violate the constitutional, statutory, and due process rights of non-party witnesses, subject the Regents of the University to potential liability, and chill the State's ability to conduct future investigations.

An *in-camera* disclosure of the Jones Day Reports would be inappropriate here. Before the Court's January 23rd Orders, both the *Baylor* decision and the Court's prior rulings related to

privilege demonstrate that Plaintiffs have not made the *prima facie* showing necessary to dispute the University's claimed privileges that would necessitate an *in-camera* disclosure. Rather, the Court has determined the University adequately complied with Plaintiffs' prior discovery requests, foreclosing the possibility that new evidence of any waiver of the privileges appears. See [Discovery] Orders (Jan. 23, 2024). Taken together, Plaintiffs have not met their burden within the record justifying an *in-camera* disclosure.

Moreover, the University is concerned with the constitutional and due process rights of the non-party witnesses and the irreparable harm resulting from any disclosure to anyone. More specifically, the non-party witnesses to the Jones Day Report have rights to privacy and have not had the opportunity to object to an *in-camera* disclosure. These are materials and information that the University is required to keep confidential: "Whether the material is of an intimate or personal nature and **entitled to constitutional protection does not depend on 'assurances of confidentiality' by a state official**, but instead on the 'personal quality' of the materials themselves." *Anderson v. Blake*, CIV-05-0729-HE, 2005 WL 2210222, at *2 (W.D. Okla. Sept. 12, 2005), aff'd, *Anderson v. Blake*, 469 F.3d 910 (10th Cir. 2006) (citation omitted). And, in accordance with the specific federal requirements of Title IX of the Educational Amendments Act of 1972, the University provides an assurance explicitly within the Sexual Misconduct Policy relevant to the investigation at issue, i.e., the University "shall inform complainants if it is unable to ensure privacy." UNIVERSITY OF OKLAHOMA, *Investigation Process for Internal Complaints Under the Sexual Misconduct Discrimination and Harassment Policy* at 3 (Sep. 1, 2014). Title IX's confidentiality provisions extend to witnesses to ensure that those who participate are not the subject of retaliation, as well as invasion of privacy or embarrassment, for their participation. *See* Title IX, 34 C.F.R. § 106.71.

Any review of the Reports, even *in-camera*, would be inappropriate, potentially subjecting the University and the Regents to liability from the non-party witnesses in two different ways: (1) from any disclosure, even to the Court, in violation of recognized constitutional, statutory and due process rights (which cannot be cured by notice or opportunity to object), and (2) from the disclosure without the opportunity to object under Title IX.

Further, Plaintiffs failed to make a *prima facie* showing on the record of a good faith challenge to the asserted privileges, and because the non-party witnesses lack notice and opportunity to object to the *in-camera* disclosure, the Court should reconsider and deny Plaintiffs requested *in-camera* disclosure.

If the Court affirms its *in-camera* disclosure ruling, the University alternatively requests a hearing for the Court to outline the procedure for the *in-camera* disclosure. The University respectfully requests an order that: (1) would allow the University to provide at least sixty (60) days' notice to the non-party witnesses to the Jones Day Reports that an *in-camera* disclosure is being considered and provide those individuals with the opportunity to object to *in-camera* disclosure, and (2) permits the University to arrange for the Court to view its original copies of the Jones Day Reports in chambers, but does not force the University to create additional copies of the Reports.

Finally, the University respectfully requests a hearing on these matters prior to its ruling.

ARGUMENTS AND AUTHORITIES

I. STANDARD OF REVIEW.

"A district court ruling which lacks finality and appealability is but an intermediate order in the case and remains within the trial judge's complete control to modify or alter at any time before judgment." *Snow v. TravelCenters of Am. LLC*, 2023 OK CIV APP 8, ¶ 10 (cleaned up)

(quoting *LCR, Inc. v. Linwood Props.*, 1996 OK 73, ¶ 11); *Cf. Progressive Direct Ins. Co. v. Pope*, 2022 OK 4, ¶ 9 (discussing reconsideration of partial summary judgment). For this Motion, the University asks the Court to reconsider three (3) issues:

First, Plaintiffs failed to provide a sufficient record to justify an *in-camera* disclosure. An *in-camera* disclosure should occur only "[i]f there is a factual basis to support a good faith belief" it is needed. 12 O.S. § 2105; *United States v. Zolin*, 491 U.S. 554, 574–75 (1989) ("[T]hat party must present evidence sufficient to support a reasonable belief that *in camera* review may yield evidence that establishes the exception's applicability."). Here, there is no basis for the *in-camera* disclosure.

Second, the constitutional, statutory and due process rights of the non-party witnesses to the Jones Day Report are violated by any release of the Report, including an *in-camera* disclosure, even if they are provided notice and the opportunity to be heard. *W. Heights Indep. Sch. Dist. No. I-41 of Oklahoma Cnty. v. State ex rel. Oklahoma State Dep't of Educ.*, 2022 OK 79, ¶¶ 42, 45 (The "minimum standards of due process require notice calculated to provide knowledge of the exercise of adjudicative power and an opportunity to be heard."); but, see *Anderson v. Blake*, 469 F.3d 910, 914 (10th Cir. 2006) ("Supreme Court held that the constitutional right to privacy includes an 'individual interest in avoiding disclosure of personal matters....'"). **Any order forcing the University to make such a release of the Jones Day Report subjects the Regents to potential personal liability**.

Finally, and alternatively, the University respectfully requests an order outlining the process for this *in-camera* disclosure, which (1) provides notice and an opportunity to the non-party witnesses to be heard on this potential disclosure, and (2) allows the University to present its original Jones Day Reports in chambers for your Honor to view.

II. PLAINTIFFS FAILED TO PROVIDE ADEQUATE CAUSE FOR AN *IN-CAMERA* DISCLOSURE.

"[A]n *in-camera* review is clearly an intrusion upon the confidentiality of the attorney-client relationship." *United States v. Zolin, supra.*, 491 U.S. at 572. (internal citation omitted). Alternatively stated by the Court: "There is no reason to permit opponents of the privilege to engage in groundless fishing expeditions, with the district courts as their unwitting (and perhaps unwilling) agents." *Id.* at 571. An "examination of the evidence, even by the judge alone, in chambers might in some cases jeopardize the security which the privilege is meant to protect." *Id.* at 570 (internal citation omitted). And that is consistent with Oklahoma law, as in *Scott v. Peterson*, the Oklahoma Supreme Court remanded a determination of privilege back to the trial court. *See generally* 2005 OK 84. There, the Supreme Court directed the trial to conduct an *in-camera* review only "to the extent that . . . such a review is necessary to adjudicate whether a privilege or exemption from discovery exists as to [the] particular documents." 12 O.S.Supp.2002 § 3237." *Scott*, 2005 OK 84, ¶ 18. Here, Plaintiffs failed to make that *prima facie* showing that the privilege does not exist. Plaintiffs have pointed to no documents, materials, information or any evidence that the privilege is lacking.

First, Plaintiffs' Open Records Act request on its face seeks patently privileged information by its own words: "Any and all reports created by the law firm Jones Day for the University of Oklahoma relating to David Boren or Jim 'Tripp' Hall." *See Petition* ¶ 18. The threshold for necessary evidence to adjudicate this privilege is substantially reduced when elements of the claimed privilege, such as seeking advice from legal counsel, are included in the text of Plaintiff's request.

Second, the evidence—such as the deposition transcript and other documents provided—establishes the privileges asserted without need for further disclosure of the Reports. For example,

in similar litigation with Baylor University, the Western District of Texas found such evidence substantiated the privilege claim asserted. *Compare Doe 1 v. Baylor Univ.*, 320 F.R.D. 430, 436–37 (W.D. Tex. 2017) (finding Baylor University demonstrated privilege attached to attorney prepared report for an internal investigation with extrinsic evidence) with 12 O.S. § 2105 ("A person claiming a privilege must prove that the conditions prerequisite to the existence of the privilege are more probably true than not."). But unlike Baylor that then waived its report's privileged information by publishing the findings of facts, nothing in this case's discovery indicated such a waiver occurred for the University. *Baylor Univ.*, 320 F.R.D. at 343. Additionally, reaffirming the University's claims for privilege based on the present record is consistent with the Court's prior determination that the information sought from James Gallogly was privileged, i.e., the University's prevailing position was that the privileged information offered in Gallogly's deposition and the Reports themselves would be the same. *See the University's Motion for Expedited Hearing and Protective Order to Quash Deposition Subpoena of James Gallogly* at 3-5 (Feb. 13, 2023).

Third, because the Court denied Plaintiffs' requests for additional discovery, there is no additional evidence available to support Plaintiffs' theory that there was a waiver of any privilege. The Court has Plaintiffs' responses to summary judgment, and as an administrative review, the Court only needs to determine that the University did not abuse its discretion in withholding the Reports. *Ross v. City of Owasso*, 2020 OK CIV APP 66, ¶ 17. Given the uniquely narrow purview of this proceeding, viewing the Reports themselves is simply unnecessary.

Finally, weighing the interests in the *in-camera* disclosure, it is clear that the University and the Regents risk exposure to legal liability from non-party witnesses and the non-party witnesses need an opportunity to object to the *in-camera* disclosure, and there is no particular harm

to Plaintiffs by denying the *in-camera* disclosure now. If the Court agrees with the University, there are only two possible outcomes: (1) the record is sufficient and the case is resolved on appeal in favor of the University without the *in-camera* review, or (2) the Appellate Court orders the *in-camera* disclosure at a later date. *Scott*, 2005 OK 84, ¶ 18. Weighing these harms—potential constitutional, statutory and due process violations against only a possible delay on an evidentiary determination—firmly supports the affirmation of the University's claimed privileges on the record presented without an *in-camera* disclosure.

III. THE *IN-CAMERA* DISCLOSURE RISKS PERSONAL LIABILITY FOR THE REGENTS OF THE UNIVERSITY WITHOUT A CURE.

The Court's order requiring disclosure, even *in-camera* disclosure, mandates the University and the Regents to potentially violate constitutional and statutory rights of the non-party witnesses. **This may not be cured by notice or opportunity to object**. The witnesses who cooperated with the University in its investigations have a constitutionally protected interest in privacy. If the University discloses that protected information, there is potentially no ability in the law to cure this potential liability through notice or opportunity to object. The potential legal exposure the University and Regents face by complying with the order compelling *in camera* disclosure is imminent and without ability to be cured.

The Supreme Court and the Tenth Circuit have agreed that individuals have a constitutional and due process right to privacy to sensitive information held by a state. "…**Supreme Court held that the constitutional right to privacy includes an 'individual interest in avoiding disclosure of personal matters**…." *Anderson v. Blake*, 469 F.3d 910, 914 (10th Cir. 2006) (emphasis added). Moreover, "As we've previously recognized, *in camera* disclosure to the court is still a disclosure,…" *People v. Cortes-Gonzalez*, 2022 CO 14, ¶ 10, 506 P.3d 835, 840, reh'g denied (Apr. 11, 2022). The Tenth Circuit in *Anderson* plainly provides that disclosure of information

which is considered a "constitutionally protected privacy interest" is a violation of federal law.

Based on *Anderson,* the University believes the non-party witnesses have a Constitutionally and federally protected due process right in that legitimate expectation of privacy. *Anderson v. Blake*, No. CIV-05-0729-HE, 2005 WL 2210222, at *3 (W.D. Okla. Sept. 12, 2005). Judge Heaton specifically noted the right exists, even when the content of the private information is not "particularly controversial [nor] embarrassing." *Id.* (quoting Sheets, 45 F.3d at 1383). As *Anderson* was affirmed by the Tenth Circuit Court of Appeals, the University is concerned about its implications if this *in-camera* disclosure continues as ordered:

> In *Whalen v. Roe*, 429 U.S. 589, 599, 97 S.Ct. 869, 51 L.Ed.2d 64 (1977), the Supreme Court held that the constitutional right to privacy includes an "individual interest in avoiding disclosure of personal matters...." Relying on *Whalen*, we held in *Mangels v. Pena*, 789 F.2d 836, 839 (10th Cir.1986), that "[d]ue process thus implies an assurance of confidentiality with respect to certain forms of personal information possessed by the state." Information is protected by the right to privacy when a person has "a legitimate expectation ... that it will remain confidential while in the state's possession." Id.

Anderson, 469 F.3d 910, 914–15 (10th Cir. 2006).

The Court's ruling granting the *in-camera* disclosure subjects the Regents to potential irreparable liability and harm. Equitably, the Court should not order the violation of non-party witnesses' constitutional rights, exposing the Regents to potential personal liability.

IV. NON-PARTY WITNESS DUE PROCESS RIGHTS PREVENT THE *IN-CAMERA* DISCLOSURE.

The second way that the Court's Order requiring disclosure of the protected materials violates rights is that it does not provide the University and Regents an opportunity to notify the non-party witnesses and allow them an opportunity to object. "[I]n camera proceedings are extraordinary events," such that "the presumption is against such proceedings when rights of individuals are to be adjudicated." *In re Grand Jury Proc.*, 814 F.2d 61, 72 (1st Cir. 1987)

(cleaned-up) (quoting *In re Taylor*, 567 F.2d 1183, 1188–89 (2d Cir.1977)). On a related note, the Oklahoma Supreme Court has recently stated that the "**minimum standards of due process require notice calculated to provide knowledge of the exercise of adjudicative power and an opportunity to be heard.**" *W. Heights Indep. Sch. Dist. No. I-41 of Oklahoma Cnty. v. State ex rel. Oklahoma State Dep't of Educ.*, 2022 OK 79, ¶¶ 42, 45 (emphasis added).

Pursuant to federal law, Title IX investigations are generally considered confidential proceedings. *See* 34 C.F.R. §§ 106.30, 106.45, 106.71; *Cf. Doe v. Massachusetts Inst. of Tech.*, 46 F.4th 61, 76 (1st Cir. 2022) ("[D]estroying that confidentiality may throw a wrench into other Title IX proceedings."). And those involved with said investigations can maintain civil lawsuits against universities that disclose information obtained from those investigations as retaliation claims under Title IX. *Schwake v. Arizona Bd. of Regents*, 967 F.3d 940, 949–50 (9th Cir. 2020); *Clark v. Newman Univ., Inc.*, No. CV 19-1033-KHV, 2022 WL 4130828, at *10 (D. Kan. Sept. 12, 2022). If information provided in the confidential Title IX process is disclosed to anyone, even *in camera*, the University and the Regents are at risk of legal exposure:

> Individuals wishing to make legally confidential reports have the option of reporting those matters to the OU Advocates, the University Ombudsperson (for faculty/staff) licensed counselors, health professionals, clergy and attorneys to the extent the complainant engages them in such private capacity. Although University officials will maintain an individual's privacy to the best of his or her ability, individuals should know that University officials (outside the context of licensed counselors and health professionals hired in their private capacity) may not be able to maintain legal confidentiality of the complainant, but will maintain his or her privacy as noted herein. . . . **Investigators and those involved with the investigation are individually charged to preserve privacy with respect to any matter investigated or heard. A breach of the duty to preserve privacy is considered a serious offense and may subject the offender to appropriate disciplinary action. Parties and witnesses are also admonished to maintain privacy with regard to these proceedings, and if they are University employees, failure to maintain said privacy may**

> **result in appropriate disciplinary action. Furthermore, federal law prohibits retaliation against those who file complaints, and the University will take responsive action if such retaliation occurs, up to and including termination and/or expulsion**. Except with respect to hearings before the Faculty Appeals Board or an applicable student disciplinary procedure, all records involving discrimination or harassment, upon disposition of a complaint, shall be transmitted to and maintained by the Institutional Equity Office as confidential records except to the extent disclosure is permissible or required by applicable law or University policy. It should be noted that under the Family Educational Rights to Privacy Act and the Clery Act that final disciplinary actions as well as the rationale and sanctions shall be reported to the complainant as well as reported in accordance with the Clery Act reporting requirements, where appropriate, to the extent the sanctions directly relate to the complainant. **The University shall inform complainants if it is unable to ensure privacy.**

As demonstrated above, individuals participating in these highly sensitive proceedings are also assured that they will be informed when such information cannot be maintained as confidential.[1] In the Tenth Circuit, the University may be subject to liability both under Title IX, 34 C.F.R. § 106.71, as well as the due process clause generally for breaching that promise:

> Due process . . . implies an assurance of confidentiality with respect to certain forms of personal information possessed by the state. Information is protected by the right to privacy when a person has a legitimate expectation that it will remain confidential while in the state's possession.

Anderson v. Blake, 469 F.3d 910, 914 (10th Cir. 2006) (internal citations and quotations omitted).

For the same reason, the University is concerned with its own constitutional and statutory obligations and those of the non-party witnesses. As required by the Title IX process and in cases of potential whistleblowers, the University represented to the non-party witnesses that it would maintain their information in confidence and inform those witnesses if such privacy was not possible. As it stands, the Order does not permit this.

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[1] *Investigative Process for Internal Complaints under the Sexual Misconduct Discrimination and Harassment Policy* at 3, UNIVERSITY OF OKLAHOMA (Effective Sep. 1, 2014).

"[E]xamination of the evidence, even by the judge alone, in chambers might in some cases jeopardize the security which the privilege is meant to protect." *United States v. Zolin*, 491 U.S. 554, 570 (1989) (internal citation omitted). The non-party witnesses must have the opportunity to object to disclosure of information they provided in confidence. *Cf. Skycam, LLC v. Bennett*, No. 09-CV-294-GKF-FHM, 2014 WL 347064, at *5 (N.D. Okla. Jan. 30, 2014) ("To begin with, in the absence of notice 'reasonably calculated, under all circumstances, to apprise interested parties' of the entry of a decree, an attempt to enforce the decree against a nonparty would violate due-process principles."); *In re John Doe Corp.*, 675 F.2d 482, 490 (2d Cir. 1982) (summarizing *In re Taylor*, 567 F.2d 1183, 1188 (2d Cir. 1977)).

In addition to these authorities and those provided in the University's prior Response to Plaintiff's Motion for *In-camera* Review, the University respectfully requests the Court consider the United States Supreme Court case *Carroll v. President & Commissioners of Princess Anne*. *See generally* 393 U.S. 175 (1968). There, county officials obtained a temporary injunction against racist protestors via *ex parte* hearing. *Id.* at 175-180. Although the order was only for a ten (10) day period, it was nonetheless determined to have violated the racist protestors Constitutional due process rights by depriving them of notice and opportunity to object, because while "[t]here is a place in our jurisprudence for *ex parte* issuance, without notice, of temporary restraining orders of short duration[,] there is no place . . . where no showing is made that it is impossible to serve or to notify the opposing parties and to give them an opportunity to participate." *Carroll*, 393 U.S. at 180. Although *Carroll* itself concerns the First Amendment, *Carroll* also largely discusses the due process protection offered by the adversarial system.

For instance, the Court previously struck a Kansas statute that allowed a judge to determine *ex parte* if books could be seized as obscene. *Carroll*, 393 U.S. at 181-182 (citing *Marcus v. Search*

Warrant, 367 U.S. 717, 731, 81 S.Ct. 1708, 6 L.Ed.2d 1127 (1961) and *A Quantity of Copies of Books v. State of Kansas*, 378 U.S. 205, 84 S.Ct. 1723, 12 L.Ed.2d 809 (1964)). There, the Court "condemned the statute for 'not first affording (the seller of the books) an adversary hearing.'" *Carroll*, 393 U.S. at 181-182. And here, just as in *Carroll,* "the reasons for insisting upon an opportunity for hearing and notice, at least in the absence of a showing that reasonable efforts to notify the adverse parties were unsuccessful, are even more compelling than in cases involving allegedly obscene books." *Id.* at 182. For those reasons the Court held:

> In the present case, the record discloses no reason why petitioners were not notified of the application for injunction. They were apparently present in Princess Anne. They had held a rally there on the night preceding the application for and issuance of the injunction. They were scheduled to have another rally on the very evening of the day when the injunction was issued. And some of them were actually served with the writ of injunction at 6:10 that evening. In these circumstances, there is no justification for the ex parte character of the proceedings in the sensitive area of First Amendment rights. **The value of a judicial proceeding, as against self-help by the police, is substantially diluted where the process is ex parte,** because the Court does not have available the fundamental instrument for judicial judgment: an adversary proceeding in which both parties may participate. . . . In the absence of evidence and argument offered by both sides and of their participation in the formulation of value judgments, there is insufficient assurance of the balanced analysis and careful conclusions which are essential in the area of First Amendment adjudication.

Carroll, 393 U.S. at 182–83.

If an *in-camera* disclosure is mandated by this Court, like *Carroll*, the University asks for at least sixty (60) days to notify the non-party witnesses of the status of the *in-camera* disclosure, allowing them an opportunity to object.

It is important to remember that even if the Court requires disclosure but allows notice and opportunity to be provided to the non-party witnesses, there is still exposure under *Anderson* as

outlined in § III above. The only way to ensure no violations of known constitutional rights do not occur is to deny any disclosure.

V. THE *IN-CAMERA* DISCLOSURE WILL HAVE A CHILLING EFFECT ON THE UNIVERSITY'S ABILITY TO CONDUCT FUTURE INVESTIGATIONS.

The effect of ordering an *in-camera* disclosure will no doubt have far reaching consequences. Other courts have recognized that even a review by a court is a disclosure, nonetheless. In so recognizing, caution ruled the day:

> As we've previously recognized, *in camera* disclosure to the court is still a disclosure, and even if it goes no further and the court declines to share any documents with the parties, the review itself could have a chilling effect on attorneys and their clients, especially if prosecutors are able to frequently and easily obtain *in camera* review. Prosecutors must trust that the allegedly ineffective counsel will proceed in accordance with all ethical duties.

People, 2022 CO 14, ¶ 10, 506 P.3d 835, 840. The logic in *People* reflects the chilling effect on the University's and the State of Oklahoma's ability to conduct investigations because of the fear that witnesses will have in their extremely sensitive statements being disclosed to the Court. If these sensitive disclosures, which are confidential by right and agreement, are to be subjected to judicial review years later, witnesses will not be forthcoming with information and cooperation with investigators will suffer. Until Plaintiffs can point to any compelling reason for a disclosure, the rights of the witnesses to privacy must outweigh *any* disclosure.

VI. ALTERNATIVELY, THE UNIVERSITY REQUESTS CLARIFICATION FOR THE *IN-CAMERA* DISCLOSURE PROCESS.

Oklahoma law gives the Court wide latitude to fashion its order relating to the *in-camera* review process. 12 O.S. § 3237(A)(2); *Cf. Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 36 (1984) ("The unique character of the discovery process requires that the trial court have substantial latitude to fashion protective orders.").

First, the University requests that the Court allow the University to contact the non-party

witnesses to advise them of the posture of the *in-camera* disclosure and provide them the opportunity to object.

Second, given the sensitive nature of this particular proceeding, the University requests the Court permit the University to bring its copies of the Jones Day Reports to your Honor's chambers for as much time as needed to complete the review and then have the originals returned to the University's custody. However, the University respectfully requests it not be required to create additional copies of the Reports, thereby jeopardizing the security of the Reports. Upon the Court's conclusion of the review, the University would retrieve the Reports to prevent the risk of any unintended disclosures. This request is an attempt by the University to exercise diligence over its sensitive records as custodian.

CONCLUSION

The University respectfully requests the Court reconsider and deny Plaintiff's Motion for *In-camera* Disclosure. Alternatively, the University requests the Court clarify its Order Granting *In-camera* Review (Jan. 23, 2024) to (1) allow the University to notify non-party witnesses of the pending *in-camera* review motion and provide an opportunity to object, and (2) permit the University to bring copies of the Jones Day Reports to your Honor's chambers in lieu of making additional copies to seal. Finally, the University requests the matters discussed herein be set for hearing as soon as practicable. The University requests such further relief in its favor as deemed appropriate by this Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of February 2024, a true and correct copy of the foregoing was hand delivered to:

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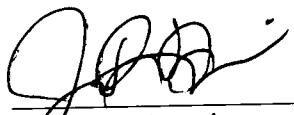

J. Renley Dennis