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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Exhibit D

RICHARD LOWERY,)
Plaintiff,)
v.) Case No. 1:23-cv-00129-DAE
LILLIAN MILLS, et al.,)
Defendants.)

ORAL and VIDEOTAPE DEPOSITION OF
SHERIDAN TITMAN
January 12, 2024
Volume 1

ORAL DEPOSITION OF SHERIDAN TITMAN, Volume 1,
produced as a witness at the instance of the Plaintiff,
and duly sworn, was taken in the above-styled and
numbered cause on January 12, 2024, from 9:02 a.m. to
4:06 p.m., before Dana Shapiro, CSR, in and for the
State of Illinois, reported by machine shorthand, at
100 Congress Avenue, Suite 1200, Austin, Texas 78701,
pursuant to the Federal Rules of Civil Procedure and
any provisions stated on the record or attached hereto.

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A P P E A R A N C E S

FOR THE PLAINTIFF:

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FOR THE DEFENDANTS:

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-and-
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ALSO PRESENT:

MR. RICHARD LOWERY,
MR. RYAN POLANCO, the videographer

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1 be more productive to express opinions in a way that's
2 not rude.

3 Q. Okay. But do you agree that they have the
4 right to express opinions in a way that's rude?

5 MR. DOW: Objection, form, calls for a legal
6 conclusion.

7 BY MR. KOLDE:

8 Q. I'm just asking in your role as a former
9 administrative.

10 A. As department chair.

11 MR. DOW: Objection, form, calls for a legal
12 conclusion.

13 BY MR. KOLDE:

14 Q. You may answer.

15 A. As department chair, I have explicitly said
16 to Richard to try not to be rude. But I never said,
17 "If you are rude we are going to fire you," or
18 anything. That was just a suggestion. I think I
19 actually said, "You will be more effective if you are
20 less rude."

21 Q. Is there a place where rudeness is
22 defined --

23 A. No.

24 Q. -- using that term? That's a no?

25 A. It's a subjective view.

1 Q. There are no written guidelines as to what
2 constitutes a rude opinion?

3 A. I don't think so.

4 Q. This opinion that's in the transcript on
5 page 26 that we just talked about that, "the sole
6 qualification for being a president of university in a
7 red state is that you're good at lying to Republicans."

8 Do you believe that that's Richard's --
9 Richard Lowery's opinion?

10 MR. DOW: Objection, form, speculation.

11 BY THE WITNESS:

12 A. No.

13 BY MR. KOLDE:

14 Q. You don't believe it's his opinion?

15 A. Do you think it's his opinion, the sole
16 qualification? I don't think so.

17 Q. You don't think it's his opinion? Do you
18 think --

19 A. No.

20 Q. -- do you think it's a qualification?

21 A. What's that?

22 MR. DOW: Objection, form, misstates the witness'
23 testimony.

24 BY MR. KOLDE:

25 Q. Go ahead. You may answer.

1 as you sit here right now, based on your memory, is
2 there anything that you remembered that Richard said
3 that crossed the line into no longer appropriate for
4 someone to say, whether you agreed with it or not?

5 A. The word appropriate is -- again, just to
6 clarify. I have always told Richard, "Say whatever you
7 want. Try not to be rude and try to be professional."

8 But if you have an opinion, you know, as long as it's,
9 you know, not inciting violence, you know, it's not
10 hate speech, he has a right to say it so.

11 Q. You don't think anything that he said on
12 that podcast was hate speech?

13 A. I don't think so. But again, there may be
14 something that was on there that I slept through or I
15 haven't seen, but I have not seen Richard, you know,
16 doing anything that I would classify as hate speech.

17 Q. Does the University of Texas have a written
18 definition of hate speech that you are aware of?

19 A. They might, but I'm not aware of it.

20 MR. DOW: Break for lunch?

21 MR. KOLDE: It's not a bad time. Let's do it.
22 Half hour.

23 THE VIDEOGRAPHER: Time is 12:00 p.m. We are off
24 the record.

25 (WHEREUPON, a recess was had.)

1 about this going to 10,000 people. And I'm trying to
2 explain why people did not like this tweet.

3 Q. When you say people, you are
4 specifically --

5 A. Meeta Kothare, Laura Starks.

6 Q. I'm trying to understand. This is meant
7 respectfully.

8 A. Uh-huh.

9 Q. Do you have any reason to believe that
10 either Meeta or Laura is dyslexic?

11 A. No.

12 Q. Do they have any cognitive disabilities
13 that you know of?

14 A. No.

15 Q. So if we go to the -- your response, which
16 is on page 2 of Exhibit 8.

17 A. Okay.

18 Q. You respond at 5:42 a.m. on the same day,
19 August 22, 2022, and you say, "I have no idea what this
20 means and try to avoid Twitter. What is he referring

21 to regarding the Romanov children? We should have a
22 discussion of what is appropriate on Twitter - we want
23 to encourage intellectual discourse, but I don't think
24 rude comments are acceptable?"

25 Is that what you wrote?

1 A. Correct.

2 Q. What did you mean when you said, "What is
3 he referring to regarding the Romanov children?"

4 A. I didn't know what he was referring to.

5 Q. Do you know now?

6 A. What's that?

7 Q. Do you know now?

8 A. I think so. I recall he brought in some
9 speaker, and I don't know what the speaker said, but.

10 Q. Does this refresh your recollection he
11 brought in -- the Salem Center brought in a left wing
12 speaker --

13 A. Right.

14 Q. -- who at one point expressed the opinion
15 that the KGB or the Chekas shooting the Romanov
16 children was a good thing?

17 A. Okay. That's my recollection, but I'm not
18 sure about that.

19 Q. You don't know about the historical event?

20 A. I don't know about the historical event. I
21 don't know who the speaker was. But I recall Richard
22 saying something vaguely along those lines.

23 Q. Does it refresh your recollection it was
24 the editor of Jacobin Magazine?

25 A. Yes.

1 incite violence?

2 A. Say that again.

3 Q. Could calling somebody a fascist incite
4 violence?

5 MR. DOW: Objection, form, speculation,
6 incomplete hypothetical.

7 BY THE WITNESS:

8 A. I can't answer that.

9 BY MR. KOLDE:

10 Q. You said earlier that you know there was
11 concern. I guess your concern changed. But that Meeta
12 and Laura had a concern about the Romanov tweet leading
13 to violence. If other UT faculty members called people
14 fascist, should they be talked to for rude, unsafe
15 tweets?

16 MR. DOW: Same objection. Also misstates prior
17 testimony.

18 BY THE WITNESS:

19 A. Again, I'm certainly not advocating banning
20 tweets, and I don't want people policing our tweets to
21 that extent. All I'm saying is that if I have to
22 evaluate somebody and he's on my faculty and I'm sort
23 of in charge of, you know, making suggestions on what
24 they are doing if they are doing something that I find
25 rude and potentially dangerous I will talk to them

1 about that.

2 BY MR. KOLDE:

3 Q. If Richard had continued tweeting the types
4 of tweets like the Romanov tweet, and that upset people
5 like Meeta and Laura, would that have caused Richard to
6 get another talking to by you while you were department
7 chair?

8 A. Talking to is a strong statement rather
9 than having a conversation.

10 Q. We'll use your terminology. I was trying
11 to be fair to you. So same question rephrased. If he
12 had continued making tweets like the Romanov tweet that
13 upset people like Laura and Meeta and they complained
14 to you, would that have caused you --

15 A. I would guess.

16 Q. Let me finish. Cause you to have another
17 conversation with Richard like you did in August?

18 A. Sure.

19 Q. If it had continued repeatedly could it
20 have led to disciplinary action?

21 A. I don't know because that's school wide
22 policy or university wide policy.

23 Q. It didn't happen because he stopped
24 tweeting so it's a hypothetical.

25 A. You are saying --

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AUSTIN DIVISION

RICHARD LOWERY,)
Plaintiff,)
v.) Case No. 1:23-cv-00129-DAE
LILLIAN MILLS, et al.,)
Defendants.)

REPORTER'S CERTIFICATION
ORAL DEPOSITION OF
SHERIDAN TITMAN
January 12, 2024

I, Dana Shapiro, a Certified Shorthand Reporter,
hereby certify to the following:

That the witness, SHERIDAN TITMAN, was duly sworn
by the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

I further certify that pursuant to FRCP Rule
30(e)(1) that the signature of the deponent:
was requested by the deponent or a party before the
completion of the deposition and that the signature is
to be before any notary public and returned within 30
days from date of receipt of the transcript. If
returned, the attached Changes and Signature Pages
contain any changes and reasons therefore;

I further certify that I am neither counsel for,
related to, nor employed by any of the parties or
attorneys in the action in which this proceeding was
taken, and further that I am not financially or

1 otherwise interested in the outcome of the action.

2 Certified to by me this January 26, 2024.

3 *Dana Shapiro*

4 _____
5 DANA SHAPIRO, Illinois CSR 84-3597
6 CSR Expiration: 5/31/25
7 Illinois Certified Shorthand Reporter
8 Registered Agent Solutions, Inc.,
9 A Lexitas Company, Firm No. 17
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13 888-893-3767
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1 COUNTY OF TRAVIS)

2 STATE OF TEXAS)

3 I hereby certify that the witness was notified on
4 _____ that the witness has 30 days
5 after being notified by the officer that the transcript
6 is available for review by the witness and if there are
7 changes in the form or substance to be made, then the
8 witness shall sign a statement reciting such changes
9 and the reasons given by the witness for making them;

10 That the witness' signature was/was not returned
11 as of _____.

12 Subscribed and sworn to on this _____ day of
13 _____, 20____.

14 *Dana Shapiro*

15 _____
16 DANA SHAPIRO, Illinois CSR 84-3597
17 CSR Expiration: 5/31/25
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