

Exhibit A

1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 AUSTIN DIVISION

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

9 -----
10 ORAL and VIDEOTAPE DEPOSITION OF
11 SHERIDAN TITMAN
12 January 12, 2024
13 Volume 1
14 -----

15 ORAL DEPOSITION OF SHERIDAN TITMAN, Volume 1,
16 produced as a witness at the instance of the Plaintiff,
17 and duly sworn, was taken in the above-styled and
18 numbered cause on January 12, 2024, from 9:02 a.m. to
19 4:06 p.m., before Dana Shapiro, CSR, in and for the
20 State of Illinois, reported by machine shorthand, at
21 100 Congress Avenue, Suite 1200, Austin, Texas 78701,
22 pursuant to the Federal Rules of Civil Procedure and
23 any provisions stated on the record or attached hereto.
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A P P E A R A N C E S

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ALSO PRESENT:

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

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1 A. Did Richard appear on this other podcast?

2 Q. Yes.

3 A. I recall a podcast with the two of them.

4 Q. Okay. We are going to be a little careful

5 both of us because Richard Lowery and Richard Hanania

6 share the same first name. So we can get yet another

7 Richard. So we can get our Richards mixed up. It's

8 fair to say we are both in agreement that you are aware

9 that Richard Lowery appeared on a podcast with Richard

10 Hanania on our about July 18, 2022?

11 A. I think so.

12 Q. How do you know that?

13 A. I recall hearing a podcast with the two

14 Richards.

15 Q. So you listened to the podcast?

16 A. Yes. I don't really recollect much on it.

17 It was a couple years ago.

18 Q. So the podcast -- I will represent to you

19 the podcast is available in a couple different formats

20 really as a podcast to listen to on an audio app or as

21 a video available on YouTube where there is video and

22 audio. Do you recall what format you viewed it or

23 listened to in?

24 A. Now that you recall, in the middle of the

25 night when I can't sleep I put on podcasts, and I think

1 Q. I understand your testimony that you didn't
2 discuss this podcast with Jay Hartzell. What I'm
3 trying to understand is what else did you discuss with
4 Jay Hartzell that relates to Richard Lowery. Fine.
5 You didn't talk about the podcast. What else did you
6 talk about?

7 A. This is the first time I'm kind of
8 understanding this. So the podcast was the day before
9 that event?

10 Q. Literally.

11 A. So I didn't know that. I hadn't heard the
12 podcast, but Jay did grumble about something that
13 Richard said, but he wasn't explicit.

14 Q. What was he grumbling about that Richard
15 said?

16 A. So I don't know. That's the thing. I
17 didn't know about the podcast so I had no idea what he
18 was talking about, but he did mention that Richard was
19 being a pain.

20 Q. He described Richard as a pain?

21 A. I don't know how he described it, but that
22 was my impression.

23 Q. It was related to something Richard said?

24 A. That was my impression. But given that I
25 had no idea what he was talking about at the time it

1 didn't make a whole lot of sense, but now it makes
2 perfect sense if it was the day after that podcast.

3 Q. Okay. So correct me if I'm wrong, I'm
4 trying to understand your recollection and your
5 testimony as best as I can. You had a conversation
6 with Jay Hartzell --

7 A. It was pretty brief. You have got to
8 understand we are at a reception. There is lots of
9 people there. It's not a private conversation, it's
10 not a meeting, and Jay grumbles.

11 Q. I'm not in any way suggesting it wasn't
12 brief. I'm just trying to understand --

13 A. Right.

14 Q. -- what you remember. So we can agree that
15 there was a conversation between you and Jay Hartzell,
16 a brief one at a reception, most likely on July 19,
17 2022?

18 A. You can look up the date.

19 Q. I don't have it, but we will ask UT for
20 that.

21 A. Yeah.

22 Q. You do recall that during that conversation
23 Jay Hartzell complained to you about something Richard
24 had said and was -- described him as being a pain or
25 something like that?

1 A. He didn't say that.

2 MR. DOW: Objection, form, misstates the witness'
3 prior testimony.

4 BY THE WITNESS:

5 A. Again, that was my impression.

6 BY MR. KOLDE:

7 Q. What did he say? Give me your best
8 recollection of what Jay Hartzell said?

9 A. I can't recall exactly what he said.

10 Q. But the gist of it was Richard was being a
11 pain?

12 A. It may have been -- I may have asked him,
13 you know, about that. He says, "Yeah, Richard is being
14 a pain," or something like that.

15 Q. When you say you may have asked him, you
16 may have asked him about the podcast?

17 A. No, I didn't ask him about the podcast
18 because at that point I didn't know about the podcast.

19 Q. Help me understand what did you ask Jay
20 Hartzell about that would have triggered a response?

21 A. No. Jay said something that gave me the
22 impression -- I can't remember what Jay said, but I
23 think what I thought at the time was that Richard had
24 gone to these faculty meetings, faculty senate or
25 something, and that's what I may have thought that Jay

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 A. No, I don't believe that.

2 Q. Help me understand what you mean? Do you
3 think he's being hyperbolic or do you think he is
4 stating something he doesn't believe to be true?

5 MR. DOW: Objection, form, speculation.

6 BY MR. KOLDE:

7 Q. I want to understand your opinion of what
8 Richard stated based on your discussions and
9 relationship with him.

10 MR. DOW: Same objection.

11 BY MR. KOLDE:

12 Q. You may answer.

13 A. Okay. Do I believe that Richard thinks
14 that the sole qualification for being president is
15 being good at lying to Republicans. I don't believe he
16 actually believes that. Do I believe that Richard
17 believes that being a president of the university in a
18 red state? It certainly helps to be able to as I would
19 say bullshit the Republicans. I believe that's what he
20 believes.

21 Q. Could you see this opinion of Richard
22 stated in the transcript that we just read together
23 getting under Jay Hartzell's skin?

24 MR. DOW: Objection, form, speculation.

25 BY MR. KOLDE:

1 Q. You may answer.

2 A. Can you clarify what you mean by getting
3 under the president's skin.

4 Q. Irritate, annoy, upset?

5 A. Yes, I think he's annoyed.

6 MR. DOW: Objection, form, speculation.

7 BY MR. KOLDE:

8 Q. Is it plausible that this opinion is what
9 Jay Hartzell was referring to when on the very next day
10 he told you Richard was being a pain?

11 MR. DOW: Objection, form, speculation.

12 BY THE WITNESS:

13 A. I don't know what Jay was referring to, but
14 this is possible.

15 BY MR. KOLDE:

16 Q. I want to talk about a couple more opinions
17 that are expressed in here. I'm sorry. Before I do,
18 and maybe I asked this earlier, I apologize if I have
19 forgotten. Do you remember Richard Lowery expressing
20 this opinion from when you reviewed the podcast or was
21 this the first time you recall seeing this?

22 A. No, I know this quote. It's possible.

23 Q. You did say that.

24 A. It's possible that I listened to the
25 podcast because someone said that Richard said this,

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
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
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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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