

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2023, I caused a copy of these requests to be served on counsel of record in compliance with the Federal Rules of Civil Procedure.

/s/ Joel R. Glover

Joel R. Glover

I. PRELIMINARY STATEMENT & INSTRUCTIONS

1. In answering these discovery requests, furnish all information that is available to you, however obtained, including information in the possession of your representatives.
2. If you cannot answer any discovery request in full after exercising due diligence to do so, answer to the extent possible, stating your inability to answer the remainder and your efforts taken to answer the unanswerable portion.
3. The scope, definitions, and instructions applicable to these discovery requests are coextensive with the applicable sections of the Federal Rules of Civil Procedure, and each discovery request requires information to the fullest extent permitted under the Federal Rules of Civil Procedure.
4. You are requested to serve copies of all responsive Documents with your response pursuant to Federal Rule of Civil Procedure 34. However, if responsive documents are voluminous, produce the responsive Documents for inspection at the office of Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas 77010.
5. In producing Documents, please produce them in their original form. Documents shall be produced in the same sequence as they are contained or found in their original file folder.
6. Pursuant to Federal Rules of Civil Procedure 26 and 34, Plaintiff should produce electronically stored information and documents in the format agreed upon by the parties.
7. Unless otherwise stated, each request below seeks information from January 1, 2021 through the present.
8. If any documents are withheld on the basis of privilege, please provide a privilege log.

II. DEFINITIONS

As used throughout these requests:

1. “Lawsuit” refers to the lawsuit listed in the style of this discovery request, Civil Action No. 41:23-cv-00129-LY, *Richard Lowery v . Mills, et al.*, in the United States District Court for the Western District of Texas, Austin Division.
2. “Defendants” means Defendants Lillian Mills, in her official capacity as Dean of the McCombs School of Business at the University of Texas at Austin; Ethan Burris, in his official capacity as Senior Associate Dean for Academic Affairs of the McCombs School of Business at the University of Texas-Austin; and Clemens Sialm, in his official capacity as Finance Department Chair for the McCombs School of Business at the University of Texas- Austin.
3. “You” and “Yours” means Plaintiff Richard Lowery and all persons and entities acting on his behalf.
4. “Complaint” refers to Plaintiff’s Original Complaint and any amended complaint filed in the Lawsuit.
5. “Answer” means Defendants’ Original Answer and any amended answer filed in the Lawsuit.
6. “Communication” means any contact or act by which information or knowledge is transmitted or conveyed between two or more persons and includes, without limitation, electronic contacts (*e.g.*, email, text message, and social media direct message), written contacts (*e.g.*, letter, memoranda, telegram, telex, or other Document) and oral contacts (whether by face-to-face meetings, telephone conversations or otherwise).
7. The terms “and” and “or” are to be read and applied inclusively to have the broadest reasonable meaning.

8. The terms “any” or “all” are synonymous and are to be read and applied inclusively to have the broadest reasonable meaning.

9. A request for all documents that “relate to” or “regard” a subject extends to each document making a statement about, mentioning, referring to, discussing, describing, reflecting, evidencing, identifying, dealing with, consisting of, constituting, concerning, regarding, or in any way pertaining to the subject, in whole or in part.

10. “Document” or “Documents” as used herein, means and refers to all original writings of any nature whatsoever, all drafts, and all non-identical copies thereof (whether different from the original because of margin notes, or other inserts or attached material, or otherwise), in your possession, custody or control, regardless of where located and includes, but is not limited to, drawings, graphs, charts, photographs, sound and/or video recordings, images, Communications, and other data or data compilations. “Document” also includes electronically stored information pursuant to Rules 33 and 34.

11. “Person” and “Persons” mean any and all natural persons, male or female, and all types and kinds of businesses or other entities, including, but not limited to, corporations, partnerships, joint ventures, sole proprietorships, and governmental agencies (state or federal) or their employees.

SECOND REQUEST FOR PRODUCTION

Please produce the following:

Request for Production No. 40. Produce your fee agreement and engagement letter with the Institute for Free Speech.

Request for Production No. 41. Produce any documents related to your fee agreement or engagement letter with the Institute for Free Speech. To the extent any privileged documents exist, please produce a privilege log.

Request for Production No. 42. Produce any communications related to your fee agreement or engagement letter with the Institute for Free Speech. To the extent any privileged documents exist, please produce a privilege log.

Request for Production No. 43. Produce your fee agreement and engagement letter with Lovins | Trosclair, PLLC.

Request for Production No. 44. Produce any documents related to your fee agreement or engagement letter with Lovins | Trosclair, PLLC. To the extent any privileged documents exist, please produce a privilege log.

Request for Production No. 45. Produce any communications related to your fee agreement or engagement letter with Lovins | Trosclair, PLLC. To the extent any privileged documents exist, please produce a privilege log.

Request for Production No. 46. Produce any communications with any third party, either from you or your counsel, regarding Defendant Lillian Mills from February 7, 2020 to present.

Request for Production No. 47. Produce any communications with any third party, either from you or your counsel, regarding Defendant Ethan Burris from February 7, 2020 to present.

Request for Production No. 48. Produce any communications with any third party, either from you or your counsel, regarding Defendant Sheridan Titman from February 7, 2020 to present.

Request for Production No. 49. Produce any communications with any third party, either from you or your counsel, regarding Plaintiff Richard Lowery from February 7, 2020 to present.

Request for Production No. 50. Produce any communications with any third party, either from you or your counsel, regarding UT President Jay Hartzell from February 7, 2020 to present.

Request for Production No. 51. Produce any communications with any third party, either from you or your counsel, regarding this Lawsuit.

Request for Production No. 52. Produce any communications with any third party, either from you or your counsel, regarding the allegations which make the basis of this Lawsuit.

Request for Production No. 53. Produce any documents and communications related to payment of legal fees on your behalf to the Institute for Free Speech.

Request for Production No. 54. Produce any documents and communications related to payment of legal fees on your behalf to Lovins | Trosclair, PLLC.