

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

RICHARD LOWERY,

*Plaintiff,*

v.

LILLIAN MILLS, *et al.*,

*Defendants.*

Case No. 1:23-cv-00129-DAE

**PLAINTIFF'S DESIGNATION OF POTENTIAL WITNESSES AND EXHIBITS**

Pursuant to the Federal Rules of Civil Procedure and the Court's Scheduling Order (Dkt. 57), Plaintiff Richard Lowery hereby serves this Designation of Potential Witnesses, Testifying Experts, and Proposed Exhibits.

**I. Potential Witnesses**

Plaintiff designates the following potential witnesses:

1. Richard Lowery
2. Carlos Carvalho
3. Lillian Mills
4. Ethan Burris
5. Sheridan Titman
6. Jay Hartzell
7. Nancy Brazzil
8. Richard Flores

9. Ivy Oliver
10. Laura Starks
11. Meeta Kothare
12. Justin Dyer
13. Madison Gove

In addition to the witnesses identified above, Plaintiff hereby cross-designates any witness identified by Defendants. Plaintiff reserves the right to supplement or amend this list of potential witnesses as discovery progresses. Discover is ongoing.

## **II. Expert Witnesses**

Plaintiff does not anticipate designating or calling expert witnesses to testify at trial at this time.

## **III. Proposed Exhibits**

Plaintiff anticipates using the following exhibits at trial:

1. Deposition Ex. No. 1: Aug. 11, 2022 Texas Scorecard article
2. Deposition Ex. No. 2: Aug. 11, 2022 College Fix article
3. Deposition Ex. No. 3: Titman/Mills email chain (UT-LOWERY-000046)
4. Deposition Ex. No. 4: Almazan email to Titman (UT-LOWERY-000054)
5. Deposition Ex. No. 5: June 28, 2022 Washington Times article
6. Deposition Ex. No. 6: Defendants' Objections and Responses to Plaintiff's  
Second Requests for Production and Interrogatories
7. Deposition Ex. No. 7: Transcript of Hanania Podcast
8. Deposition Ex. No. 8: Kothare/Mills email chain (UT-LOWERY-000018)

9. Deposition Ex. No. 9: Lowery/Titman email chain on Romanov tweets
10. Deposition Ex. No. 10: Titman declaration
11. Deposition Ex. No. 11: Lowery/Titman email chain on syllabus template  
(UT-LOWERY-000058)
12. Deposition Ex. No. 12: Graves' forward of Kamm complaint email (UT-  
LOWERY-000001)
13. Deposition Ex. No. 13: collection of Lowery tweets
14. Deposition Ex. No. 14: Lowery re-appointment memo
15. Deposition Ex. No. 15: Mullaney/Burris text thread (UT-LOWERY-000005)
16. Deposition Ex. No. 16: UT's First Amended Privilege Log
17. Deposition Ex. No. 17: Aug. 5, 2022 College Fix article
18. Deposition Ex. No. 18: Burris declaration, DWQ answers, and amended  
DWQ answers
19. Deposition Ex. No. 19: Carvalho declaration
20. Deposition Ex. No. 20: Mills's notes from Aug. 12, 2022 meeting (UT-  
LOWERY-000049)
21. Deposition Ex. No. 21: Burris's notes from Aug. 26, 2022 meeting (UT-  
LOWERY-000004)
22. Deposition Ex. No. 22: screenshots of Lowery tweet and replies
23. Deposition Ex. No. 23: Gove/Bishop email
24. Deposition Ex. No. 24: Development team email chain on syllabus template  
(UT-LOWERY-000023)

25. Deposition Ex. No. 25: Liberty Institute operational guidelines
26. Deposition Ex. No. 26: Flores/Ortiz email chain
27. Deposition Ex. No. 27: Flores/Carvalho email chain
28. Deposition Ex. No. 28: Flores' forward to Carvalho chain to Hartzell
29. Deposition Ex. No. 29: July 1, 2022 Martin Center article
30. Deposition Ex. No. 30: Carvalho's notes on Aug 12 and Aug 26 meetings
31. Deposition Ex. No. 31: McCombs Community Space announcement
32. Deposition Ex. No. 32: Mills/Lowery email chain on Ferguson
33. Deposition Ex. No. 33: Mills/Lowery email chain on allyship
34. Deposition Ex. No. 34: Mills's Objections and Responses to Plaintiff's

Depositions on Written Questions

35. Deposition Ex. No. 35: UT's Second Amended Privilege Log
36. Deposition Ex. No. 36: Kothare's email to Mills
37. Deposition Ex. No. 37: Atkinson/Schwartz email chain
38. Deposition Ex. No. 38: Stark's forward to Kothare's complaint to Mills
39. Deposition Ex. No. 39: Mills/Kothare text thread (UT-LOWERY-005269;  
UT-LOWERY-005309)
40. Deposition Ex. No. 40: Mills declaration
41. Deposition Ex. No. 41: Kinonen/Oliver email chain regarding Texas Tribune  
article (UT-LOWERY-005341)
42. Deposition Ex. No. 42: Mills's self-email of July 8, 2022 substack article  
(UT-LOWERY-005336)

43. Deposition Ex. No. 43: July 8, 2022 substack article
44. Deposition Ex. No. 44: Mills's self-email of Aug. 11, 2022 College Fix article (UT-LOWERY-005335)
45. Deposition Ex. No. 45: Titman's "memo" to Mills in preparation for the August 12 meeting (UT-LOWERY-005337; UT-LOWERY-005339)
46. Deposition Ex. No. 46: Cochran-McCall declaration
47. Deposition Ex. No. 47: excerpts from Burris deposition
48. Any other deposition exhibit marked at any future deposition in this case
49. Excerpts from the deposition transcripts and videos from the depositions of Lillian Mills, Ethan Burris, Sheridan Titman, Carlos Carvalho, and any other person who is deposed in this case before the close of discovery.
50. June 8, 2022 Texas Tribune article referred to in Complaint and proposed Amended Complaint
51. Hartzell/Flores text thread (UT-LOWERY-005270)
52. Hartzell/Rowling email chain (UT-LOWERY-000006)
53. Moon/Kamm email chain (UT-LOWERY-005307; UT-LOWERY-005308)
54. Communications among UT employees addressing inquiries caused by Lowery's syllabus template tweets and resulting articles (UT-LOWERY-000023—UT-LOWERY-000037; UT-LOWERY-005331—UT-LOWERY-0055333)
55. Yahoo subpoena return linking Kelly Kamm's business phone number with mcombsprof@yahoo.com account

56. Kelly Kamm's UT splash page listing work phone number
57. Rude or uncivil tweets by UT faculty evidencing selective enforcement of UT speech policies (See: RL004732-RL48004844)
58. All articles concerning UT written by Lowery or quoting Lowery from Dec. 1, 2021 to Aug. 24, 2022, identified in Lowery's Complaint, proposed Amended Complaint, or deposition
59. Transcript of Lowery's presentation at the Stanford Conference
60. Oct 18, 2021 UT faculty council minutes
61. Hartzell's statements about Hamas attacks
62. Lowery's communications showing that he is self-censoring due to UT's actions (See: RL000209; RL000213; RL000218-RL000221; RL000252; RL000256-57; RL000260; RL000282; RL000290; RL000295; RL000305-RL000309; RL000313-RL000314; RL000380; RL000418; RL000439; RL000440; RL000447; RL000452; RL000483; RL000486-RL000487; RL000490; RL000524; RL004433-RL004438; RL004446; RL005341; RL005348; RL005364)
63. Lowery's postmortem on the Liberty Institute (RL005013-5017)
64. McCombs or Provost emails about syllabus template from summer 2022 (still to be produced by UT)
65. Defendants' written discovery objections and responses, both in their original form and in any amended form, in response to Interrogatories Nos. 2, 5, 7, 9, 10-11, 13-15 and to RFPs Nos. 12, 16-17

66. All affidavits, declarations, and DWQ responses filed during this case

67. All privilege logs, both in their original form and in any amended form,  
exchanged between parties

68. All exhibits necessary for impeachment or rebuttal

69. All exhibits identified by Defendants not duplicative of the above

Plaintiff reserves the right to supplement or amend this list of proposed trial exhibits. The parties have not yet completed discovery in this case. Plaintiff therefore reserves the right to supplement this list of potential witnesses, testifying experts, and proposed trial exhibits pursuant to the Court's Scheduling Order and the Federal Rules of Civil Procedure if additional witnesses or documents are identified during discovery.

Respectfully submitted.

Dated: March 1, 2024

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[Pursuant to Fed. R. Civ. P. 5(d)(1)(B) and Section 14(c) of the current Administrative Policies and Procedures for Electronic Filing, no certificate of service is required for this filing because all parties' counsel are registered for ECF service]