

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

JANE DOE 1, JANE DOE 2,
JANE DOE 3, JANE DOE 4,
JANE DOE 5, JANE DOE 6,
JANE DOE 7, JANE DOE 8,
JANE DOE 9, AND JANE DOE 10

Plaintiffs,

VS.

BAYLOR UNIVERSITY

Defendant.

Cause No. 6:16-cv-173-RP
JURY TRIAL DEMANDED

PLAINTIFFS' RESPONSE TO BAYLOR UNIVERSITY'S AMENDED MOTION FOR PROTECTION RELATED TO THE SCOPE OF DISCOVERY IN THIS LITIGATION

TO THE HONORABLE ROBERT PITMAN:

COME NOW JANE DOES 1-10, Plaintiffs herein, and file this Response to Baylor University's Amended Motion for Protection Related to the Scope of Discovery (ECF 517).

I. INTRODUCTION

As yet another tactic to clog up this Court’s docket, Baylor again files for the same relief already twice denied, essentially arguing the same points the Fifth Circuit heard before denying Baylor’s mandamus effort. This time Baylor seeks to limit discovery *in toto* via a motion that mirrors Baylor’s pending attempt to limit Plaintiffs’ 30(b)(6) deposition topics.¹ Baylor continues to pretend that this case is merely about how badly Baylor responded to a few Jane Doe’ reports of sexual assault. But this case is also about Baylor’s intentional policies of discrimination. As the Fifth Circuit put it, this case

¹ Plaintiffs responded to Baylor's renewed arguments to unsettle discovery in its Response to Baylor's Motion for Protection from Plaintiffs' Notice of Rule 30(b)(6) Deposition. Rather than re-state those arguments, Plaintiffs hereby incorporate them here by reference. *See* ECF 496.

is about “the institution itself that is discriminating.”² The discovery Baylor again attempts to block is the exact type of evidence the Fifth Circuit relied on in its *Pederson* Title IX opinion, and the exact kind of evidence this Court, in its rulings on Motions to Dismiss, found would be relevant to disposition of the official policy/intentional discrimination/heightened risk claims. This Court already correctly rejected Baylor’s erroneous view of the issues in this case and should reject such again.³

II. ARGUMENT

A. Plaintiffs’ discovery is on the issues in this case

Plaintiffs’ discovery efforts have not strayed from the core issue in this case — Baylor’s intentional, deep seated discriminatory policies, both formal and informal, against its female students, as well as the extraordinary lengths Baylor has gone to in order to protect those persons actually responsible. Baylor’s real complaint is that with each discovery step Plaintiffs continue to peel back layer after layer to reveal Baylor past and still ongoing discriminatory policies. Baylor’s 34 voting Regents “unanimously” determined that Baylor had “institutional failures” in connection with Title IX.⁴ Over a year ago, this Court entitled Plaintiffs to discovery surrounding Regents’ conclusions, including files given Pepper Hamilton. Despite multiple rulings, Baylor again cries wolf that Regent admissions and details surrounding the who, what, when, where, why and how of “failures” are irrelevant. For all Plaintiffs know, PH investigated the policy failures of the school at the micro and macro levels and further investigated the Plaintiffs’ specific assaults and aftermath.

² *Pederson v. Louisiana State Univ.*, 213 F.3d 858, 882 (5th Cir. 2000).

³ This metronome of duplicative motions may simply be Baylor’s efforts to discover Plaintiffs theories behind damaging discovery, at the Court’s expense.

⁴ ECF 93-3; https://www.wacotrib.com/news/higher_education/baylor-regents-probe-quieted-in-house-doubts-of-pepper-hamilton/article_879e48ea-0d20-584d-bf99-33204465ddd8.html. Despite continued public claims that Regents have repeatedly acted “unanimous”, these are false claims. See Exhibit A – Deposition of Phil Stewart – 123:4-10; 128:14-21; 176:23-177:10; 182:2-184:10; 284:4-16

Baylor and Pepper Hamilton subjected over 65 individuals⁵ to unprecedented privacy intrusion including collection of their personal and electronic devices, then subjected them to extensive interviews. Once PH reported to key Regents what it was uncovering, Baylor went from Ken Starr's commitment to complete transparency to 1) no written report, 2) a two-day oral report, and 3) prohibition on Regents from recording or taking notes. This Court already correctly ruled that Plaintiffs could uncover this information. A year ago, Baylor agreed 66 individuals,⁶ many of whom were PH custodians, were proper custodians of relevant information. Just a few months ago, Baylor lodged no objection when the parties and the Court on the May 7th discussed 50+ depositions were likely. Now the sheer number warrants limitation?⁷ Regents who initially were not agreed custodians are now known to be responsible for steering the PH investigation, drafting the Findings, ignoring earlier Margolis Healey recommendations, internal audits into prior investigations and reaffirmation of Board confidence in the same — acts all plainly proper subjects of discovery. Now Baylor complains that discovery from these individuals, even those Baylor agreed as properly within the scope of discovery is “far afield from Plaintiffs’ claims,” when Plaintiffs’ claims involve these very issues.⁸

Incredibly, Baylor argues Plaintiffs should not conduct discovery of the persons it publicly blamed were at fault for its “institutional failures” – Briles,⁹ McCaw, Hill, Starr and Shillinglaw.¹⁰ Testing the validity of Baylor's claims regarding the conduct of these individuals goes directly to

⁵ ECF 93-3 at 3.

⁶ ECF 176.

⁷ Moreover, when Plaintiffs' sought this exact information in Garland's deposition, no such motion was brought. Of course, Baylor knew Garland was either willingly ignorant or kept in the dark.

⁸ Contrary to claims that Plaintiffs just desire a lot of depositions, Plaintiffs have asked Baylor to identify which Regents, PH and Margolis Healey persons Baylor contemplates will testify at trial. While Plaintiffs cannot agree to be bound by a Baylor list, Baylor's response may lessen depositions.

⁹ Initially, a Regents' straw-vote was to retain Briles. After an “orchestrated, staged to achieve desired results” presentation by PH, Briles and Starr were terminated. Exhibit A – 79:17-80:4; 261:17-20.

¹⁰ It will be recalled that Interim President David Garland testified before the Texas Senate that all those responsible for Baylor's mishandling of sexual assault and Title IX were no longer at Baylor. See ECF 106-1 - 139:12-20; 106-2 – 12:3-20.

Baylor's credibility and whether Baylor is instead obscuring the who is actually responsible. Indeed, the identity of those culpable, yet being protected, is coming forth weekly. For example, Baylor refuses to take any action against Reagan Ramsower, Martha Lou Scott, Bethany McCraw and David Murdock, despite black and white documents showing they buried at least two sexual assault reports against Tevin Elliott prior to his assaulting two more students. Why has Baylor discharged (and paid) some officials for "misconduct," yet kept these individuals in high command?

Plaintiffs' theories of events are not supposition, but supported by ever-accumulating evidence. Recent testimony of Baylor Regent Phil Stewart, a deposition Baylor's present motion would have had this Court prevent, expounds upon McCaw's testimony. Stewart states extensive concerns about the PH investigation that "there was an effort to protect certain members of the administration."¹¹ Asked whether the investigation was stopped short when "about to transition into investigating administrator and Regent-level activities pertaining to Title IX," Stewart responded that "there was a definite shift in focus of the Pepper Hamilton investigation at or about January/February time frame." Stewart agreed the "decision to give a report by Pepper Hamilton in May of 2016 was being made then in order to prevent or keep Pepper Hamilton from invest - continuing its investigation into ["certain"] administrators."¹² According to Stewart and others, Willis and his lieutenants used the sexual assault scandal to settle old scores, plant news stories deflecting blame,¹³ consolidate their power and engineer ouster of Starr and Briles, the two on campus with the nationwide notoriety to challenge them – individuals of such high profile that their termination misled everyone about real action by Baylor. Stewart says Starr's termination was actually the result of an ultimatum by Ramsower, which came the same time was Judge Starr demanding full transparency.¹⁴

¹¹ Exhibit A – 99:2-103:16.

¹² Exhibit A – 71:25-73:8.

¹³ Exhibit A – 155:11-15.

¹⁴ Exhibit A – 110:2-9.

We now see Ramsower as protecting himself and others from an aftermath that would ensue from a true transparency. The exposed Elliott emails would damn those at any other American university to summary discharge. Ultimately Ramsower, Willis and a few others succeeded in seizing opportunity from the crisis, using the departure of Starr and Briles as red herrings, making hoped-for transparency opaque, all with the power structure intact. Ramsower and Willis would take to national media, to assure America that Baylor was cleansed of its ills and bad actors. Ramsower blamed Doak for keeping him in the dark, but it was Ramsower fully in the light and suppressing action.¹⁵ Yet, Baylor Regents chose to keep Ramsower over Starr and transparency, shifting blame for Title IX “failures.”

B. What motivated Baylor to file this rendition of its efforts to stop discovery is Plaintiffs’ recent discovery of highly relevant and damaging information

Evidence is proving a handful of those on high control and set policies, formal and informal. Plaintiffs’ discovery is important, for one, because Plaintiffs bear the burden, as Baylor challenged in motions to dismiss and in its Petition for Writ of Mandamus, to show the school’s policies of discrimination in place. Determining who sets policy and how is part of this burden of proof on Baylor’s past conduct and how these policies remain in place. These issues are relevant to the Court’s determination of remedies, including injunctive relief. How the new Board is selected demonstrates how wrongdoers are protected without check and balance and how discriminatory policies remain in place and high-level officials stay in place. The wrong-doers hand-select their replacements. Recent discovery places Ramsower at the center of systemic Regent self-dealing with endowment funds and vendor contracts, which obviously spurred Baylor’s recycled motion. Despite objections to production

¹⁵ After the filing of the damning emails and memos and the revelation that he was *still* a “Senior Advisor” to President Linda Livingstone, Baylor removed that designation, yet claimed Elliott was somehow not included in the “any” and “anything” in Ramsower’s statement that “I had no knowledge *any* of the reports, I had no knowledge of *anything* being reported to me.” See ECF 481 at 7. <http://www.kwtx.com/content/news/BU-reform-group-calls-former-Baylor-VPs-new-job-title-disturbing-490974311.html>

and instructions to witnesses not to answer, Plaintiffs still slowly reveal why there is no reform and why those at the top receive plenary protection. Recent discovery shows historical Regent self-dealing with endowment funds, giving explanation of why Ramsower may be bullet-proof, despite obvious involvement at the center of Baylor's misconduct, and how an ultimatum that "it is me or Starr" worked, eliminating Starr and his efforts to transparently reform the school's sexual assault problem.

Each of the discovery issues Baylor complains of hits on relevant topics. Questions of Stewart's lack of interest in sports reveal his concern about blame only put on athletics is not about winning games, but genuine concern for the university as a whole. Baylor complains of Plaintiffs' discovery that revealed Baylor placing a "quite adept" mole within victim support groups "to get out in front of" a Survivors' Stand vigil, tattle back to Baylor Communications and Ketchum and skillfully alter survivor messaging, but this is clearly more evidence of a discriminatory environment.¹⁶ Likewise, details of Regent Allison being disinvited from the Philadelphia meeting show that Willis believed Allison would not participate in scapegoating, itself evidence of the cover-up.¹⁷ These events tend to show that school policy is set by the small core group. Each and every discovery inquiry that Baylor cherry picks to complain about can be explained to lead to discoverable evidence.

C. Discovery is relevant to official policy/intentional discrimination/heightened risk claims.

The discovery Baylor seeks to quash goes to the heart of the intentional policy claims, which is why Baylor wants the Court to put a stop to it. Baylor knows discovery is killing its official policy defense, so it must convince this Court not to follow the binding precedent in *Pederson*. In *Pederson*, the Fifth Circuit held that the trial court erred in finding no intentional discrimination on the part of the University. The trial court erroneously held that LSU's outdated and archaic notions regarding

¹⁶ Exhibit B - Burchett Chain email, filed under seal.

¹⁷ Exhibit A – 66:3-9, 248:11-22; ECF 438-1 - 76:10-24

women athletes was not evidence of intention to violate Title IX. The Fifth Circuit rejected this, relying heavily on evidence in the record regarding statements made by decisionmakers at the University.¹⁸ Moreover, the Court held that “Appellees' outdated attitudes about women amply demonstrate this intention to discriminate, and the district court squarely found that LSU's treatment of women athletes was “remarkably outdated,” “archaic,” and “outmoded.”¹⁹ In this case, the Janes Does are drilling down to determine the power structure at Baylor over time and are collecting evidence that those really in power have and had “remarkably outdated,” “archaic,” and “outmoded” pattern of treatment of female students. Plaintiffs’ discovery is working, which is precisely why Baylor seeks to improperly shield itself. The attitudes regarding women of its key decisionmakers is what led to establishment of policies that discriminated against women and heightened the risk of sexual assault.

Knowing *Pederson* stands in the way of Baylor’s defense, it tries to convince the Court that *Pederson* does not apply to Title IX *sexual assault* cases.²⁰ Baylor’s sexual assault vs. sports distinction is wrong. The proper distinction made by the case is between who it is that the Plaintiffs are alleging is making the discriminatory education environment. In the post-reporting authorities, the Plaintiffs were alleging that they were sexually assaulted by another student and when reported to the school, it took insufficient action that left them on campus in an ongoing hostile education environment. The Supreme Court in *Gebser* and *Davis* required proof that the school knew about the ongoing hostile education environment and acted with deliberate indifference. In other words, the funding recipient

¹⁸ *Id.* at 881 (“In addition to the district court's evaluation of LSU's attitudes as ‘archaic,’ our independent evaluation of the record and the evidence adduced at trial supports the conclusion that Appellees persisted in a systematic, intentional, differential treatment of women. For instance, in meetings to discuss the possibility of a varsity women's soccer team, Dean referred to Lisa Ollar repeatedly as ‘honey,’ ‘sweetie,’ and ‘cutie’ and negotiated with her by stating that ‘I’d love to help a cute little girl like you.’ Dean also opined that soccer, a ‘more feminine sport,’ deserved consideration for varsity status because female soccer players ‘would look cute running around in their soccer shorts.’”)

¹⁹ *Id.* at 918-20.

²⁰ ECF 523 at 3-4.

knew the rapist was on campus, a danger, and was deliberately indifferent before the assault and/or the funding recipient learned of the assault and was deliberately indifferent in its response. Either way, it is the assailant who is causing the direct harm, and the cases question whether the school's response was deliberately indifferent. Each Jane Doe asserts these theories, and it is correct for the Court to follow the sexual assault reporting framework as to those claims. But each Jane Doe also asserts Baylor was not just deliberately indifferent, but also intentionally discriminatory, in fact oppressive by design – a framework this Court is also properly applying. None of the cases Baylor hoists up on post-reporting claims involve facts where the school itself was not just deliberately indifferent, but was intentionally discriminatory, and that this policy emanated from the highest levels.

Moreover, Baylor's arguments to undermine *Pederson* completely miss the mark on the non-post-reporting claims. In these claims, Plaintiffs are not simply claiming that Baylor was deliberately indifferent to their specific assailant. Instead, Plaintiffs are claiming that the school had intentional policies of discrimination against its female students, both formal and informal, and that these policies manifested harm in numerous ways. For one, the policies put female students at a heightened risk to be sexually assaulted, and these Plaintiffs actually were assaulted. In these claims, the focus is not on the particular assailant or the actions of the school after a report of assault; instead the focus is on the school policies, its power structure and methods to create and implement policy, and then the conditions on campus resulting therefrom, including, but not limited to, the volume of sexual assaults of female students over time. *Regardless* of the post-reporting framework, these policy claims focus on the school who is the first party actor doing the discriminating, not the school who fails to follow up on a report of assault. These claims are bound directly to the Circuit's holding in *Pederson*.

In *Pederson*, and like Baylor here, LSU argued that Title IX liability could not lie unless the University was aware that it was discriminating by not effectively accommodating the interests of its female students and, in advancing this argument, LSU relied on the post-reporting sexual assault

authorities. The Fifth Circuit didn't buy it.²¹ Baylor's arguments on this point, if accepted, mean that a funding recipient could never be liable for intentional sexual discrimination so long as one of the harms the female student complains of is sexual assault. In no other area of the law is this true. Civil rights claims including voting rights, prisoner rights and racial justice routinely consider claims under intent and effects rubrics. The post-reporting framework the Supreme Court has outlined deals with sex discrimination effects case, cases where the Plaintiff alleges they suffered the harm of sexual discrimination but do not have the proof that the school intentionally caused them harm. These cases say nothing of intent claims, where the female Plaintiffs can show that the school intentionally discriminated against them and one way it manifested itself was subjecting them to increased risk of being sexually assaulted. The discovery Baylor complains of goes to the heart of these intent claims.

D. Regardless of the post-reporting vs intent (or effects vs. intent) issue, discovery on a cover up is permissible

This Court has already held that discovery regarding the Regents is relevant. In *Hernandez v. Baylor Univ.*²², this Court rejected relevance arguments against depositions of Regents and agreed that the same is relevant for impeachment purposes. In so holding, this Court relied on the Fifth Circuit's holding in *Cazorla v. Koch Foods of Miss., L.L.C.*²³, where the Fifth Circuit held that U-Visa applications that were filed subsequent to the events made the basis of the lawsuit were discoverable and relevant for impeachment purposes. Review of other case authority confirms that this Court is on solid footing in allowing discovery of Baylor's ongoing coverup.²⁴ As noted in the 30(b)(6) briefing, the Fifth

²¹ *Id.* at 882. (**"In the instant case, it is the institution itself that is discriminating.** The proper test is not whether it knew of or is responsible for the actions of others, but is whether Appellees intended to treat women differently on the basis of their sex by providing them unequal athletic opportunity....")

²² No. 6:16-CV-69-RP, 2017 U.S. Dist. LEXIS 65671 (W.D. Tex. May 1, 2017)

²³ 838 F.3d 540, 557-59 (5th Cir. 2016)

²⁴ See for example, *Richman v. Burgeson*, No. 98 C 7350, 2008 U.S. Dist. LEXIS 48349, *25, (N.D. Ill. June 24, 2008)(Emphasis added)("The defendants seek to bar evidence that officers generally lie, cover-up, or otherwise maintain a 'code of silence' to protect fellow officers. They argue such evidence

Circuit similarly finds this discovery proper.²⁵ Similarly, in *State Farm Mut. Auto. Ins. Co. v. Campbell*, the Supreme Court held that [Lawful out of state] Conduct may be probative when it demonstrates the deliberateness and culpability of the defendant's action [in the State where it is tortious], but that conduct must have a nexus to the specific harm suffered by the plaintiff.²⁶ *State Farm* was followed by the Texas Supreme Court, in *Bennett v. Reynolds*:

This cover-up evidence shows ‘deliberateness and culpability’ and can enhance exemplary damages given its ‘nexus to the specific harm suffered by the plaintiff.’ We have previously held that certain cover-up efforts can show reprehensibility, as when a manufacturer of asbestos-containing products continues selling what it knows is dangerous.²⁷

E. The requested discovery is relevant to Baylor’s defenses

The discovery is also relevant to Baylor’s defenses. Is Baylor not going to show up at trial and say the PH investigation was a Cadillac investigation? Is Baylor not going to try to show that the conduct against each Jane Doe was an anomaly, or worse, that in spite of all the findings by PH and Margolis Healey that Baylor accidentally got right the responses to each of these Plaintiffs’ reports? If Baylor asserts in these cases that it handled each of these women lawfully, then we must know of all the other failures the school has admitted to with other women as well as all the other machinations by its board and administrators to avoid the consequences of its decades-long treatment of female

is irrelevant and unfairly prejudicial. *See* Fed. R. Evid. 401; *id.* 403. ... **The plaintiff has a right to present evidence on a cover-up as it is relevant to the defendants' credibility and whether this was asserted in the pleadings is irrelevant.”**

²⁵ *Dollar v. Long Mfg. N.C., Inc.*, 561 F.2d 613, 617 (5th Cir. 1977).

²⁶ *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408, 422 (2003).

²⁷ *Bennett v. Reynolds*, 315 S.W.3d 867, 877 (Tex. 2010). *See also United States v. Mena*, 933 F.2d 19, 25 n.5 (1st Cir. 1991)(“Even if the touchdown were not a ‘forced landing,’ appellant's argument would nonetheless fail. **After all, events that occur after an offense has been perpetrated may be relevant in an assessment of what transpired at the earlier time.** *See, e.g., Tierney*, 760 F.2d at 387-89 (subsequent events may be probative as to motive at time of earlier action); *Freeman v. Decio*, 584 F.2d 186, 197 n.44 (7th Cir. 1978)(similar).”) (citations in original)(emphasis added).

students in violation of federal law. Regardless of the intentional policy claims for which this discovery is plainly relevant, the discovery also goes to the credibility of Baylor and its trial witnesses.

F. The requested discovery is relevant to Plaintiffs' request for injunctive relief.

Finally, the extent of any actual reforms will be central to the Court's consideration of Plaintiffs' request for injunctive relief. Plaintiffs pleaded in their Complaint that the Court will need to enjoin Baylor to comply with Title IX and, thereafter, supervise enforcement. Injunctive relief will be required at the macro and micro level. Policy adoption and enforcement by the school will be sought. Also, each of these Plaintiffs have grade, transcript and other issues they will seek injunctive relief to remedy. Baylor's argument that injunctive relief is moot is preposterous. Jane Does remain students at the school and are daily subjected to its discriminatory environment. The remainder have injunctive relief claims specific to them.²⁸

CONCLUSION

For the foregoing reasons, Plaintiffs request that this Court deny Baylor's Motion for Protection Relating to the Scope of Discovery in this Litigation.

Respectfully submitted,

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AND

²⁸ Anyway, Baylor's voluntary behavior to delay discovery and adjudication of this case until students graduate falls squarely into the "capable of repetition, yet evading review" framework.

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing has been filed by ECF and sent to counsel of record via electronic notification on September 14, 2018.

/s/Chad W. Dunn

CHAD W. DUNN

EXHIBIT A

JANE DOE 1, ET AL. vs BAYLOR UNIVERSITY
Phil Stewart on 08/22/2018

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 WACO DIVISION
4 JANE DOE 1, JANE DOE 2,)
5 JANE DOE 3, JANE DOE 4,)
6 JANE DOE 6, JANE DOE 7,)
7 JANE DOE 8, JANE DOE 9,)
8 AND JANE DOE 10,)
9 Plaintiffs,)
10)
11 vs.) Cause No. 6:16-cv-173-RP
12)
13 BAYLOR UNIVERSITY,)
14)
15 Defendants.)

ORAL VIDEOTAPED DEPOSITION

PHIL STEWART

August 22, 2018

ORAL VIDEOTAPED DEPOSITION OF PHIL STEWART,
produced as a witness at the instance of the Plaintiffs
and duly sworn, was taken in the above-styled and
numbered cause on the 22nd day of August, 2018, from
9:04 a.m. to 7:07 p.m., before April Balcombe-Anderson,
Certified Shorthand Reporter in and for the State of
Texas, reported by computerized stenotype machine at the
offices of Goode Casseb Jones Riklin Choate & Watson,
P.C., 2122 North Main Avenue, San Antonio, Texas 78212,
pursuant to the Federal Rules of Civil Procedure and the
provisions stated on the record or attached hereto.

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Phil Stewart on 08/22/2018

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6

7 ALSO PRESENT:

8

9 Mr. Phil Stewart,
10 the Witness; and
11 Mr. Larry Glisson,
12 the Videographer; and
13 Ms. April Balcombe-Anderson,
14 the Court Reporter.

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1 disinvited, what else did you hear on the report?

2 A. That was it.

3 Q. There wasn't any commentary about what they
4 expected to happen or what was going to happen?

5 A. No. It's my recollection that -- that Richard
6 Willis relayed a mess- -- message that Pepper Hamilton
7 did not believe that it was appropriate for Jay Allison,
8 who was, as I've indicated, the chair of our athletic
9 committee, to attend that meeting.

10 Q. Was it your information that that meeting in
11 Philadelphia is where it was decided to do an oral
12 presentation only?

13 MS. SPRINGER: Objection. Speculation.

14 A. I have heard that there was a discussion of
15 their findings and the method in which their findings
16 would be relayed to the Board of Regents.

17 Q. (BY MR. DUNN) Now, we've talked about these
18 sort of formal meetings -- formal Regents meetings, you
19 know, subcommittee meetings, but there's got to be, I
20 would imagine, some communication among Regents on the
21 telephone.

22 This is a big deal. It's all over the
23 news. It's -- national newspapers are covering it,
24 sometimes daily. You and other Regents, I assume, are
25 having conversations outside of the formal process about

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1 natures; is that right?

2 A. I have, yes.

3 Q. On those other boards, do you receive notice in
4 advance of the meeting, at least a basic agenda or topic
5 or topics?

6 A. That's the normal practice.

7 Q. Now, you mentioned that you received the report
8 from Mr. Harper, the whole Board, in February that
9 Pepper Hamilton was nearing a point where it needed to
10 report to the Board. Do I have that about right?

11 A. As I recall, yes.

12 Q. Was it your understanding they were finished?

13 A. I don't recall that I had an understanding that
14 they were finished. I do recall that -- that a report
15 was made in February and, as I recall, it was made by
16 David Harper, and I recall a specific reference being
17 made to Ken Starr at that time. But, other than that, I
18 don't have a good recollection of the precise details of
19 that report, although it was a very brief report.

20 Q. What was the reference to Ken Starr?

21 A. As I recall, that the -- the reference that was
22 made was that -- for about that time in the course of
23 the Pepper Hamilton investigation, that it was not going
24 well with Ken Starr.

25 Q. Well, it's been -- it's been claimed by others

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Phil Stewart on 08/22/2018

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1 that Pepper Hamilton was about to transition into
2 investigating administration and Regent-level activities
3 pertaining to Title IX, and that was the reason the
4 decision was made that the report from Pepper Hamilton
5 could be made then.

6 Do you believe that to be true?

7 A. I -- I do have a general sense that there was a
8 very definite shift in focus of the Pepper Hamilton
9 investigation at or about the January/February time
10 frame.

11 I can't recall specifically the date at
12 which I had the internal sense of that shift of focus,
13 but clearly the focus was being shifted to the
14 administration level. Whether or not it was ever
15 focused -- whether or not Pepper Hamilton ever focused
16 their investigation specifically at the Board, I was not
17 aware of that at the time -- during this February time
18 frame.

19 Q. So is it your opinion that the decision to make
20 a report by Pepper Hamilton was at least, in part, in
21 May done to head off additional investigation of
22 administrators?

23 MS. SPRINGER: Objection. Speculation.

24 A. Could you repeat that question?

25 Q. (BY MR. DUNN) Sure.

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Phil Stewart on 08/22/2018

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1 Was it your opinion or is it your opinion
2 that the decision to give a report by Pepper Hamilton in
3 May of 2016 was being made then in order to prevent or
4 keep Pepper Hamilton from invest- -- continuing its
5 investigation into administrators?

6 MS. SPRINGER: Same objection.

7 A. That would have been my sense at the time as to
8 certain administrators but not others.

9 Q. (BY MR. DUNN) Since there's been an objection,
10 you and I have to go through this again. Okay.

11 What is your opinion as to whether or not
12 Pepper Hamiltons [sic] was asked to give its report in
13 May of 2016 as it relates to continuing to investigate
14 administrators or other higher-level officials?

15 MS. SPRINGER: Objection. Speculation.

16 MR. DUNN: What is your objection?

17 MS. SPRINGER: He's all -- he said
18 repeatedly he wasn't involved, wasn't at the meetings,
19 has no knowledge, so what Pepper Hamilton's motives and
20 reasons for doing a report or a presentation, he has no
21 knowledge of it. It's sheer speculation.

22 MR. DUNN: It goes to show intent or
23 motive under Rule 801 of the Rules of Evidence.

24 Q. (BY MR. DUNN) In any event, is it your
25 testimony that Baylor kept you in the dark? Is

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1 certainly we were sympathetic. I was particularly
2 sympathetic and distraught on a human level to hear of
3 those events. But it was their method of presentation
4 that was very aggressively put forward to our Board.

5 And -- and I was concerned about, at the
6 time, that there was so much information being imparted
7 to us, not only about the events in question, but also
8 about the role of certain individuals within our
9 athletic department, various text messages, various
10 email exchanges about whether or not certain individuals
11 knew this or knew that and the timing of this or that,
12 that I was very concerned about any ultimate ability on
13 our part to -- to fully comprehend and synthesize all of
14 the information that was being provided to us in an
15 effort to guide us, when ultimately we had to make
16 decisions in response to their findings.

17 Q. Now, you said earlier before the break that you
18 felt like it was well-staged.

19 How so?

20 A. Precisely that. I mean, I felt that the
21 presentation was orchestrated, staged to achieve desired
22 results.

23 Q. Which were?

24 A. To take certain actions with respect to the
25 actions that were ultimately taken roughly two weeks

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1 later on May the 26th.

2 Q. The discharge of Briles, the demotion of Starr,
3 and the demotion of McCaw, those actions?

4 A. Those actions, yes.

5 Q. Was there visual aids, PowerPoint, handout,
6 anything of that sort?

7 A. There were visual aids and a PowerPoint
8 presentation. They were not providing -- no handouts
9 were provided to any of us at that meeting.

10 Q. You said that you were not allowed to take
11 notes or record it in any way; is that right?

12 A. That's correct.

13 Q. And did you comply with that request?

14 A. Yes.

15 Q. From whom did it come?

16 A. It came from our general counsel at the
17 beginning of the meeting.

18 Q. As far as you know, did anyone take notes or
19 record in some fashion the presentation?

20 A. I have heard that a recording exists of the
21 presentation.

22 Q. Have you heard anything more about who took the
23 recording or where it might exist?

24 A. No. I personally have asked that question of
25 our general counsel and have been advised that no

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1 program in general?

2 A. Once again, not being privy to the instructions
3 provided by the special committee of the Board to Pepper
4 Hamilton, it is difficult for me to express an opinion
5 as to whether or not I believe that a conspiracy existed
6 among either a small group of Regents and/or certain
7 members of the Baylor administration to point a laser at
8 one division within Baylor University upon which to
9 develop the findings that were presented on May 12,
10 2016.

11 I have testified that I do believe that
12 the investigation did not go far enough and determine
13 the role of the administration in the overall process of
14 Title IX issues, which includes the identification and
15 the resolution of -- of handling issues of sexual
16 assault and student misconduct, otherwise defined as
17 prohibited conduct, far enough.

18 I am concerned that there was an effort to
19 protect certain members of the administration. I will
20 go back to my concerns that I've already expressed about
21 the -- what is in my opinion a very clear conflict of
22 interest in Baylor having engaged Pepper Hamilton in the
23 first place, given the long and close relationship
24 between Ken Starr and Louis Freeh and Judge Eugene
25 Sullivan and Judge Stanley Sporkin.

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1 When Pepper Hamilton was engaged, Louis
2 Freeh and Judge Sullivan were partners at Pepper
3 Hamilton. Not only was Louis Freeh a partner, but he
4 was a former managing partner of Pepper Hamilton, and at
5 the time of the engagement of Pepper Hamilton, he
6 remained on their executive committee.

7 This was something that was never
8 disclosed to our Board. And had it been disclosed, I
9 find it hard to believe that there would not have been a
10 significant substantive discussion of the issue of
11 conflicts of interest as it relates to Ken Starr and his
12 prior relationship -- professional relationship and
13 close relationship with Louis Freeh and Gene Sullivan.

14 Q. Ultimately at the end of the Pepper Hamilton
15 process, Ken Starr was demoted and then he chose to
16 resign?

17 A. Well, you should also know that Louis Freeh
18 resigned from Pepper Hamilton in January of 2016 during
19 the middle of Pepper Hamilton's investigation of Baylor
20 University.

21 Q. You think those things are related?

22 A. I don't know. That's what happens when you
23 have conflicts of interest, but I don't know.

24 Q. Ultimately I thought you testified -- and
25 maybe -- maybe I'm misrecalling, but you thought that

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1 the general nature of the investigation was -- was
2 negative for Starr's performance. Did I get that right?

3 A. Ultimately it became so, yes.

4 Q. But you -- I guess you don't know how it is
5 Pepper Hamilton's relationship with Ken Starr ultimately
6 didn't get in the way of a finding that Starr was
7 responsible for some things?

8 A. Well, let's see, you have this scenario that
9 I've already discussed.

10 To be honest, I -- I -- I don't know how
11 to respond to that last question because, as I sit here
12 today with the knowledge that I have today, I am very
13 concerned about the potential conflict of interest that
14 existed in the engagement by the Board of Regents of
15 Pepper Hamilton and not reflecting upon the fact that
16 there did exist a close relationship between Ken Starr
17 and Louis Freeh and Judge Sullivan, who were partners of
18 Pepper Hamilton at the time.

19 I would -- I would state again that I felt
20 during the course of the Pepper Hamilton
21 investigation -- I recall it was after being advised by
22 David Harper, who was a member of the special
23 committee -- that there was a shift in focus of the
24 Pepper Hamilton investigation to Ken Starr.

25 You know, of course, I will note the

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1 departure of Louis Freeh from the Pepper Hamilton law
2 firm in January, which is at or about that same time. I
3 would allow others to draw their own conclusions as it
4 relates to the time frame of all of those developments.

5 But -- but to answer your question,
6 ultimately Ken Starr was not portrayed well, in my
7 opinion, as a result of certain findings of conclusions
8 reached apparently.

9 Q. You mentioned there was an effort to protect
10 members of the administration.

11 Who were they?

12 A. Well, it was my sense all along that Reagan
13 Ramsower was a potential -- let me rephrase that.

14 Throughout the course of my tenure as a
15 Regent of Baylor, I was always very concerned and quite
16 interested in this -- the role played by Reagan Ramsower
17 in the affairs of the University.

18 Mr. Ramsower, in his role as the chief
19 financial officer of the University, wielded extreme
20 power and authority over the University at various
21 levels.

22 He was principally involved in all matters
23 of a financial nature, including the third-party vendor
24 relationships that existed with Baylor that were in the
25 multi-millions in terms of dollar amount and importance

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1 to the overall functioning of a large university such as
2 Baylor.

3 Reagan Ramsower, in his position as
4 executive vice president, had a number of areas report
5 to him, including our Title IX officer as well as the
6 Baylor Police Department.

7 And it was always curious to me how
8 someone in that position would be responsible for the
9 oversight of many of the functions that he was in
10 control of.

11 Obviously, we have since learned about the
12 issues raised by Patty Crawford. Without trying to
13 provide my opinion about the merits or demerits of
14 those, but I -- but I had significant concerns about the
15 role of Reagan Ramsower at Baylor, and continue to this
16 day.

17 MS. SPRINGER: I'm just going to object to
18 the extent portions of Mr. Stewart's response were
19 nonresponsive to the question asked.

20 THE REPORTER: I'm sorry?

21 MS. SPRINGER: I'm going to have to object
22 that portions of Mr. Stewart's response were
23 nonresponsive to the question asked.

24 Q. (BY MR. DUNN) Because of her objection, we have
25 to go through all of that again. All right.

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1 statement about Ken Starr as related?

2 A. I can't say that it was related, because what I
3 recall happening was -- was that Dr. Ramsower indicated
4 to several of our Regents that -- that he was
5 considering accepting the position of president of a
6 small Baptist university in West Texas, and that if we
7 did not remove Ken Starr as president and move his
8 reporting responsibilities to Ken Starr, that he would
9 take the position with this other university.

10 And given the significant position that
11 Dr. Ramsower had at the University and his significant
12 role in various mechanical aspects of the running of the
13 University, it was certainly my sense -- I can't speak
14 on behalf of the other Regents -- that this is not very
15 good timing.

16 It's -- I'm very concerned about
17 Dr. Ramsower's leaving at this particular time. I was
18 extremely concerned about it because, once again, he was
19 in charge and in control of so many of the internal
20 operations, the mechanical operations of the University.

21 And so I was not happy with the timing of
22 this announcement. We were under extreme pressure as
23 Regents with fiduciary responsibilities to deal with the
24 information that have been imparted to us, and we
25 obviously had a myriad of -- of issues of concern at the

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1 necessary people involved under him to take a lot of the
2 load off of the mechanical aspects of running the
3 University.

4 When that didn't happen, I was a strong
5 critic of Ken Starr. But after the Pepper Hamilton
6 investigative findings were provided to the Board and we
7 took the votes that we did, I was one of a few Regents
8 who voted against the termination of Ken Starr. I did
9 not believe that he should be terminated because of
10 Title IX and failure to address Title IX.

11 In my opinion, at that -- by that time,
12 Ken Starr was on top of it and in a significant way and
13 cooperating fully with Patty Crawford and what she was
14 trying to accomplish in the Title IX office.

15 Actually, for the first time, I was seeing
16 in my mind a truly effective leader by taking charge on
17 behalf of Baylor as it relates to making sure that the
18 entire University campus was focused on what we needed
19 to be focused on: protecting our students and caring
20 about our students and ensuring their safety and on
21 nondiscrimination based on sex. Ken Starr was all over
22 it at -- at this time.

23 Q. Did you -- you have in your file a letter Ken
24 Starr drafted, perhaps sent, but you produced it, it's
25 been produced by the University, where he states in

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1 taken after the Pepper Hamilton presentation. One was
2 the vote on Starr. What were the others?

3 A. Then over the course of the next week to ten
4 days, there were a number of meetings that were held,
5 mostly telephonically, to discuss what other actions
6 should be taken.

7 And without disclosing the content of
8 those discussions and deliberations because of
9 confidentiality concerns, obviously, it's not public
10 knowledge that Baylor terminated -- or suspended with
11 the intent to terminate at the time Art Briles and we
12 terminated Ian McCaw as well and, of course, terminated
13 Ken Starr as -- as president but kept him as chancellor.

14 We ultimately revisited the votes taken
15 with respect to Ian McCaw and Art Briles, and we
16 reinstated Ian McCaw as athletic director with certain
17 provisions, with certain caveats and -- but we
18 maintained the termination with the intent to suspend --
19 the suspension with the intent to terminate Art Briles.

20 Q. Did you vote in favor of all of those?

21 A. No, none of them.

22 Q. Was there anyone else who voted against them?

23 A. There were several others that voted against
24 them.

25 Q. Is there any record kept of that, as far as you

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1 And so before that article came out, I
2 expressed concerns to Cary Gray that our PR firm at that
3 time, Glenn Bunting, should be advised that -- that I
4 had expressed the concerns that I had expressed to the
5 Board, that he should be made specifically aware of what
6 those concerns were; and to the extent that they were
7 true based on further investigation, that, obviously,
8 that would have a significant impact on the existing
9 narrative that existed at that time as it related to Art
10 Briles in particular.

11 Q. And so did you have an understanding of who
12 allowed Bunting or permitted Bunting to plant this
13 article?

14 A. Richard Willis. Cary Gray, I think, certainly
15 knew about it. I advised Cary Gray about it in writing.

16 And before the article ever came out --

17 Q. Did you produce that in writing to us?

18 A. I did.

19 Q. Unredacted?

20 MS. SPRINGER: I believe it's partially
21 redacted.

22 Q. (BY MR. DUNN) I could have missed it. I don't
23 remember it. That's why I'm asking.

24 A. You don't remember it?

25 So, yes, I did communicate in writing to

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1 A. Yes, the confidentiality agreement.

2 Q. Was there any reason you -- and -- and the
3 confidentiality agreement, is there any reason that you
4 included it in here other than it being responsive to
5 the subpoena?

6 A. I thought that it was responsive.

7 Q. And that's all?

8 A. And that's all.

9 Q. Okay. Now, if you go with me to Stewart 8, 9,
10 and 10, there are -- this is forwarded to you from Karen
11 Kemp. It's my information she's in the media relations
12 department at Baylor --

13 A. Yes.

14 Q. -- is that right?

15 Would you regularly receive emails such as
16 this?

17 A. I would say yes.

18 Q. And I guess what I mean, there was a ton of
19 media, probably still is, going on about this. I'm sure
20 some of it slipped through, but would you get an email
21 like this on nearly every media that came out?

22 A. Generally, yes.

23 Q. Okay. If you go with me to Stewart 15, this is
24 a memo from Ken Starr to a number of Regents dated
25 May 18, 2016, sent by email; is that true?

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1 A. Yes.

2 Q. This is where we discussed earlier Mr. Starr
3 says in his first sentence that it's his information the
4 Regents have asked for -- unanimously for his
5 resignation.

6 Do you see that?

7 A. Yes.

8 Q. And you testified that that wasn't true because
9 you weren't asking for his resignation?

10 A. That's -- that's correct.

11 Q. Did you -- did you respond to this?

12 A. No.

13 Q. Were you copied on any other communication in
14 response to this?

15 A. No.

16 Q. All right. Now, if you go with me to
17 Stewart 22, the preceding three pages is some kind of
18 media release on Baylor's website, at least that's what
19 it looks like to me. And I can't tell if Stewart 22 is
20 related to that media release or not. It's all
21 redacted.

22 A. Oh. Yeah, I -- I -- I think I know what this
23 document was.

24 Q. Well, are you seeking legal advice in it?

25 A. Yes.

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1 A. Other Regents.

2 Q. Are there a group of Regents that -- that you
3 feel like are supportive of the views you've expressed
4 here at your deposition?

5 A. Yes.

6 Q. Would you be able to identify those?

7 A. Jay Allison would be one. Other than that, I
8 really cannot commit on behalf of anyone else.

9 Q. It sounds like it's the case that whatever
10 number of Regents there are that share that view,
11 they're -- they remain outnumbered?

12 A. Absolutely.

13 Q. Did you ever submit a resignation letter?

14 A. I didn't submit a resignation letter. I read
15 it during executive session of our October meeting, and
16 I did, in fact, resign at the October meeting of 2016.

17 Q. Was it accepted?

18 A. No.

19 Q. How did that come about? I mean, how is it
20 that you resigned and it didn't work?

21 A. Well --

22 THE WITNESS: May I confer with Baylor's
23 attorneys?

24 MR. DUNN: Sure.

25 MR. WATSON: Can we go off the record?

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1 THE VIDEOGRAPHER: We are off the record.

2 The time is 3:45.

3 (Recess from 3:45 p.m. to 3:49 p.m.)

4 THE VIDEOGRAPHER: We are back on the
5 record. The time is 3:49.

6 Q. (BY MR. DUNN) Do we have instructions or an
7 answer or both?

8 A. Yes. Going back to the -- my resignation,
9 during executive session of the October meeting of the
10 Board of Regents, I did, in fact, resign. And following
11 my presentation to the Board at that time during
12 executive session, the Board essentially as a whole
13 asked that I rescind my resignation and remain as a
14 member of the Board.

15 Q. Was that as a result of a concern about
16 negative media attention or a genuine concern about
17 losing you or what was the state of reasoning?

18 A. I think some -- some Regents actually would
19 have missed my presence on the Board, but I think it was
20 more of a concern of the negative media attention that
21 might arise by virtue of resignation of a current Board
22 member at that time.

23 Q. And so you acquiesced and agreed to stay?

24 A. I did.

25 Q. And did you receive any -- did you seek or

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1 receive any, you know, concession?

2 A. I -- I -- I said that I would rescind my
3 resignation so long as Baylor was serious about
4 investigating and -- my concerns that I had raised
5 during executive session.

6 Q. And have they honored that request of yours?

7 A. Not in my opinion.

8 Q. Have you expressed that in other -- in later
9 meetings?

10 A. Well, let me put it this way. I did not attend
11 one Board meeting in 2017, and my first meeting that I
12 attended in this year of 2018 was in May. Personally
13 I've been so disgusted that, during 2017, I didn't want
14 to attend any meetings of the Board and so I didn't.

15 And I attended my first meeting in May of
16 2018, and even that was not a -- a favorable experience.

17 Q. How so?

18 A. I -- I expressed concerns about the press
19 release that was issued by Baylor in connection with the
20 resignation of our provost.

21 Q. What was your concern about that?

22 A. That it was potentially misleading.

23 Q. How so?

24 A. And I was concerned that perhaps Baylor had not
25 learned its lessons, you know, from the other events

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1 question was asked was that it was a shocking question
2 to them, and they -- and they believed that it was
3 racially motivated.

4 Q. And you did not speak to the coaches
5 themselves, correct?

6 A. No, I did not.

7 Q. That information was related to you by, again,
8 Mr. Allison or Mr. Hurd?

9 A. I believe -- I believe it was probably Jay
10 Allison.

11 Q. And let's talk about Jay Allison for -- for
12 just a minute because you talked about that phone call,
13 that voice message --

14 A. Yes.

15 Q. -- that you were able to listen to from Richard
16 Willis to Jay Allison?

17 A. Yes.

18 Q. And in that he basically told Mr. Allison that
19 he was not invited to the meeting in Pennsylvania in
20 May 2016 where a select group of Regents were getting a
21 preview of the Pepper Hamilton presentation, correct?

22 A. That's correct.

23 Q. But you personally don't have any personal
24 knowledge of the actual reasons why Mr. Allison was not
25 invited to that meeting, do you?

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1 presentation by Pepper Hamilton, we sat there and
2 listened to fact after fact after fact -- or
3 information.

4 I mean, it was an information overload of
5 extremely sensitive information, information that broke
6 your heart, and it was very emotional to hear. And
7 quite frankly, I can recall a number of Regents talking,
8 you know, "You know, I'm in such a daze I can barely
9 even remember what was -- what was said."

10 Q. Do you -- do you have any quarrel or issue with
11 the fact that 26 of your fellow Regents made the
12 decision to terminate Briles?

13 A. How is it possible that in a vote days before
14 this vote that the decision was the other way around?

15 Q. No, I'm talking about Coach Briles.

16 A. That's who I'm talking about too.

17 Q. So you're saying that the original vote was to
18 retain Coach Briles?

19 A. I'm talking about there was a straw vote, and
20 he survived that straw vote.

21 Q. Okay. Well, he didn't survive the ultimate
22 vote.

23 A. No, he did not.

24 Q. And I guess my question is: Do you have -- you
25 respect their decision to go ahead and ask for

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1 Committee that reviewed your concerns."

2 Did you have some positive words for this
3 special committee?

4 A. Well, when I abstained from the vote, I recall
5 that I stood and I said to the Board that I did not
6 agree with the findings of Pepper Hamilton when they
7 were -- when they were made, nor did I agree with them
8 following their re-presentation of certain of those
9 findings at the December meeting, but that I respected
10 the rule of the majority, I respected the -- the efforts
11 of the special committee to bring Pepper Hamilton -- the
12 attorneys who actually did the investigation, to bring
13 them to Dallas to coordinate all of the Regents meeting
14 at DFW Airport, for purposes of revisiting and to give
15 them the opportunity to -- to revisit the entire
16 investigation.

17 Q. And at the time in December 2016, it was after
18 three additional Regents had joined the Board as a
19 result of the alumni dispute, correct?

20 A. That's correct.

21 Q. Including Wayne Fisher, and I can't remember
22 the other two, but those individuals were not present in
23 May when the original presentation was made, correct?

24 A. That's correct.

25 Q. And they were 3 of the 31 who voted in favor of

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

3 JANE DOE 1, JANE DOE 2,)
 JANE DOE 3, JANE DOE 4,)
4 JANE DOE 6, JANE DOE 7,)
 JANE DOE 8, JANE DOE 9,)
5 AND JANE DOE 10,)
)
6 Plaintiffs,)
)
7 vs.) Cause No. 6:16-cv-173-RP
)
8 BAYLOR UNIVERSITY,)
)
9 Defendants.)

10 *****

11 REPORTER'S CERTIFICATE

12 ORAL VIDEOTAPED DEPOSITION OF PHIL STEWART

13 August 22, 2018

14 *****

15 I, April Balcombe-Anderson, Certified Shorthand
16 Reporter in and for the State of Texas, hereby certify
17 to the following:

18 That the witness, PHIL STEWART, was duly sworn and
19 that the transcript of the deposition is a true record
20 of the testimony given by the witness;

21 That the original deposition was delivered to
22 Mr. Dunn; Custodial Attorney;

23 That a copy of this certificate was served on all
24 parties and/or the witness shown herein on
25 August 27, 2018.

JANE DOE 1, ET AL. vs BAYLOR UNIVERSITY
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1

2 I further certify pursuant to FRCP Rule 30(f)(1)

3 that the signature of the deponent:

4 ____ was requested by the deponent or a party before
5 the completion of the deposition and that the signature
6 is to be before any notary public and returned within 30
7 days (or ____ days per agreement of counsel) from the
8 date of receipt of the transcript.

9 If returned, the attached Changes and Signature
10 Page contains any changes and the reasons therefore:

11 ____ was not requested by the deponent or a party
12 before the completion of the deposition.

13 That the amount of time used by each party at the
14 time of the deposition is as follows:

15

Mr. Dunn (6h8m)
Attorney for Plaintiffs

16

Mr. Dunnam (0h0m)
Attorney for Plaintiffs

17

18

Ms. Springer (2h6m)
Attorney for Defendant

19

20

21

22 That pursuant to information given to the
23 deposition officer at the time said testimony was taken,
24 the following includes counsel for all parties of
25 record:

JANE DOE 1, ET AL. vs BAYLOR UNIVERSITY
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1 That \$_____ is the deposition officer's charges
2 to the Plaintiffs for preparing the original deposition
3 and any copies of exhibits;

4 I further certify that I am neither counsel for,
5 related to, nor employed by any of the parties in the
6 action in which this proceeding was taken, and further
7 that I am not financially or otherwise interested in the
8 outcome of this action.

9 Certified to by me on this 27th day of
10 August, 2018.

11 
12

13 April Balcombe, CSR, RPR, CRR, CRC
14 Texas CSR
15 Expiration Date: 12/31/19
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EXHIBIT B

FILED UNDER SEAL