

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 16-CV-80655-ROSENBERG/HOPKINS

JAMES TRACY,

Plaintiff,

v.

FLORIDA ATLANTIC UNIVERSITY
BOARD OF TRUSTEES a/k/a FLORIDA
ATLANTIC UNIVERSITY; et al.,

Defendants.

FAU DEFENDANTS’¹ EXHIBIT LIST²

PRESIDING JUDGE The Honorable Robin L. Rosenberg	PLAINTIFF’S ATTORNEY Louis Leo IV, Esq. Joel Medgebow, Esq.	DEFENDANTS’ ATTORNEY G. Joseph Curley, Keith E. Sonderling, and Holly L. Griffin
TRIAL DATE(S) October 30, 2017	COURT REPORTER Pauline Stipes	COURTROOM DEPUTY Melanie Guerrero

DEF NO.	EXPECT TO/MAY OFFER	PLT OBJ ³	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS*
001	Expect to offer					2009-2012 Collective Bargaining Agreement, Tracy Dep Ex 1
002	Expect to offer					2012-2015 Collective Bargaining Agreement, Tracy Dep Ex 2
003	Expect to offer					Nobody Died at Sandy Hook, Tracy Dep Ex 3
004	Expect to offer					Culture of Conspiracy, Course Description – Fall 2012, Tracy Dep Ex 4

¹ Defendants, Florida Atlantic University Board of Trustees a/k/a Florida Atlantic University, John Kelly, Diane Alperin, and Heather Coltman (collectively, the “FAU Defendants”)

² Defendants reserve all objections to the exhibits listed on FAU Defendants’ Exhibit List

³ Objection Codes:

- A – Authenticity
- I – Contains inadmissible matter
- R – Relevance
- H – Hearsay
- UP – Unduly prejudicial – probative value outweighed by undue prejudice
- P – Privileged
- O – All objections
- MIL – Motion in Limine
- PK – Lacks Personal Knowledge

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

DEF NO.	EXPECT TO/MAY OFFER	PLT OBJ ³	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS*
005	Expect to offer					Public Opinion and Modernity, Course Description – Summer 2015 (draft), Tracy Dep Ex 5
006	Expect to offer					Excerpt of Essay, Tracy Dep Ex 6
007	Expect to offer					Article – When Mass Shootings Were Real, Tracy Dep Ex 8
008	Expect to offer					Tracy Curriculum Vita, Tracy Dep Ex 9
009	Expect to offer					Table of Contents, Tracy Dep Ex 10
010	Expect to offer					Governing by Crisis, Tracy Dep Ex 11
011	Expect to offer					Optional Extra Credit Assignment, Tracy Dep Ex 12
012	Expect to offer					Book Chapter - Diffusing Conspiracy Panics, Tracy Dep Ex 13
013	Expect to offer					Article – Protecting Our Children in the Wake of Sandy Hook, Tracy Dep Ex 14
014	Expect to offer					Censored 2014 - Chapter Excerpt, Tracy Dep Ex 15
015	Expect to offer					2013-01-28 Memorandum re Summary of Meeting, Tracy Dep Ex 16
016	Expect to offer					2013-02-02 Letter to Dean Coltman, Tracy Dep Ex 17
017	Expect to offer					2013-03-28 Notice of Discipline, Tracy Dep Ex 18
018	Expect to offer					2013-07-23 Memorandum re Grievance, Tracy Dep Ex 19
019	Expect to offer					2013-09-26 Settlement Agreement, Tracy Dep Ex 20
020	Expect to offer					Manuscript, Tracy Dep Ex 21
021	Expect to offer					Memory Hole Blog, Tracy Dep Ex 22
022	Expect to offer					2015-10-20 Email to Lenz and Reilly re Report of Outside Employment, Tracy Dep Ex 23
023	Expect to offer					2015-10-28 Email to Williams re Annual Assignment, Tracy Dep Ex 24
024	Expect to offer					2015-12-15 Email to Dean Coltman re Outside Activity Form, Tracy Dep Ex 25
025	Expect to offer					2015-11-10 Notice of Discipline, Tracy Dep Ex 26
026	Expect to offer					2015-11-22 Letter to Dean Coltman, Tracy Dep Ex 27
027	Expect to offer					2015-12-17 Email to Zoeller re Notice of Proposed Discipline, Tracy Dep Ex 28
028	Expect to offer					2016-01-05 Notice of Disciplinary Action - Termination, Tracy Dep Ex 29

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DEF NO.	EXPECT TO/MAY OFFER	PLT OBJ ³	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS*
029	Expect to offer					2015-12-16 Notice of Proposed Discipline – Termination, Tracy Dep Ex 30
030	Expect to offer					2015-11-01 Letter to Williams, Tracy Dep Ex 31
031	Expect to offer					2015-11-10 Email to president@uff-fau.org , Tracy Dep Ex 32
032	Expect to offer					2012 Tax Return (including all attachments and submissions)
033	Expect to offer					2013 Tax Return (including all attachments and submissions)
034	Expect to offer					2014 Tax Return (including all attachments and submissions)
035	Expect to offer					2015 Tax Return (including all attachments and submissions)
036	Expect to offer					2016 Tax Return (including all attachments and submissions)
037	Expect to offer					Policies and procedures re progressive discipline
038	Expect to offer					Sandy Hook book (first edition)
039	Expect to offer					FAU - Disciplinary Process Overview
040	Expect to offer					Regulation 5.012 Employee Standards and Disciplinary Procedures
041	Expect to offer					Form – Report of Outside Employment and Professional Activity, Alperin Dep Ex PA-5
042	Expect to offer					2013-01-11 Email correspondence from K. Holloway to Tracy re membership
043	Expect to offer					2013-01-11 Email correspondence from K. Holloway to C. Robe re membership
044	Expect to offer					Public Opinion and Modernity - Course Description – Summer 2015 (final)
045	Expect to offer					2015-11-10 Email from Zoeller to Tracy re Annual Assignment
046	Expect to offer					Article: Letters: Why James Tracy, FAU's Conspiracy Theorist, Should Resign
047	Expect to offer					2015-11-20 Email from Zoeller to Tracy re Notice of Discipline
048	Expect to offer					2015-12-01 Email from Zoeller to Tracy re Grievance
049	Expect to offer					2015-12-11 Email from Dean Coltman to Tracy re Response to Your Letter, Alperin Dep Ex PA-35
050	Expect to offer					2015-12-11 Email from President Kelly to S. Volnick and others re response to email, Kelly Dep Ex PK-18
051	Expect to offer					2015-12-17 Email from Moats to Tracy re Email

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DEF NO.	EXPECT TO/MAY OFFER	PLT OBJ ³	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS*
052	Expect to offer					2015-12-18 Email from Moats to Tracy re Legal Services, Zoeller Dep Ex Z-27
053	Expect to offer					2015-12-20 Email from Tracy to Moats re media comments, Zoeller Dep Ex Z-20
054	Expect to offer					2016-01-15 Email from Tracy to Johnson re representation
055	Expect to offer					Report of Outside Employment or Professional Activity Form – Additional Explanation (draft), Glick Dep Ex PG-19
056	Expect to offer					FAU Outside Employment Guidelines
057	Expect to offer					Legal Controls and Freedom of Expression – Chapter 14
058	Expect to offer					Public Opinion and Modernity - Course Description - Spring 2015
059	Expect to offer					201-09-17 Letter from Tracy to SCMS Colleague
060	Expect to offer					2013-01-12 Email correspondence between Tracy and M. Budd, JT001614
061	Expect to offer					2013-01-16 Email correspondences between D. Broadfield and Tracy re meeting (with string emails), JT001604-05
062	Expect to offer					2013-01-22 Email correspondence from D. Broadfield to Tracy re Outside Activity Form (with string email), JT001603
063	Expect to offer					2013-02-06 Email correspondence from D. Broadfield to Tracy re Response to January 28 Letter forwarding 2-5-2013 correspondence from Tracy to Dean Coltman, JT001606
064	Expect to offer					2013-04-04 Email correspondence from D. Broadfield to Tracy re Disciplinary Action Against James Tracy (with string emails), JT001607-08
065	Expect to offer					2013-04-08 Email correspondence from D. Broadfield to Tracy re Observation that may be helpful, JT001609
066	Expect to offer					2013-04-18 Email correspondence from D. Broadfield to Tracy re Disciplinary Action Against James Tracy, JT001610
067	Expect to offer					2013-04-19 Email correspondence between D. Broadfield and Tracy re Disciplinary Action Against James Tracy (with string emails), JT001598-99
068	Expect to offer					2013-05-24 Email correspondence between D. Broadfield and Tracy re Teaching Assignment Changes (with string emails), JT001533-34
069	Expect to offer					2013-06-12 Email correspondence between D. Broadfield and Tracy re potential grievance (with string emails), JT001539-42

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DEF NO.	EXPECT TO/MAY OFFER	PLT OBJ ³	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS*
070	Expect to offer					2013-07-08 Email correspondence between D. Broadfield and Tracy re query on grievance (with string emails), JT001545-46
071	Expect to offer					2013-07-25 Email correspondence between D. Broadfield and Tracy re Step 1 decision (with string emails), JT001556
072	Expect to offer					2013-08-22 Email correspondence from D. Broadfield to Tracy re Response to January 28 Letter, JT001568
073	Expect to offer					2013-09-12 Email correspondence from L. Embree to Tracy re grievance (with string emails), JT001574-82
074	Expect to offer					2013-09-27 Email correspondence from D. Broadfield to Tracy re Step 2 Assignment Decision, JT001587
075	Expect to offer					2013-10-09 Email correspondence from D. Broadfield to Tracy re assignment grievance (with string emails), JT001592-93
076	Expect to offer					2014-05-05 Email correspondence from M. Budd to Tracy re "Why Dean Heather Coltman Should Resign" (with string emails, JT001616-19
077	Expect to offer					2016-02-17 Email correspondence from M. Budd to Tracy (and others) re UDC Finances, JT001611
078	Expect to offer					2016-01-04 Letter from Dean Alperin to Tracy re violation of settlement agreement, FAU000189-190
079	Expect to offer					Report of Outside Activities Guidelines, Coltman Dep Ex PC-5
080	Expect to offer					Tracy Annual Assignment for 2015AY, Coltman Dep Ex PC-10
081	Expect to offer					Certification Text – Affirmation Box, Coltman Dep Ex PC-12
082	Expect to offer					2015-10-20 Email from Williams to many re outside employment forms, Coltman Dep Ex PC-14
083	Expect to offer					Form – University Equipment, Facilities and Services, Coltman Dep Ex PC-15
084	Expect to offer					Audit Report: Employee Outside Activities & Additional/Dual Compensation, Coltman Dep Ex PC-19
085	Expect to offer					2013-10-09 Email correspondence from Dean Alperin to M. Barnett re Report of the Audit of Employee Outside Activities, Coltman Dep Ex PC-21
086	Expect to offer					2015-10-29 Email correspondence from Dean Alperin to Dean Coltman re annual assignment, Coltman Dep Ex PC-24
087	Expect to offer					2015-11-09 Email correspondence from Dean Alperin to Dean Coltman re Tracy annual assignment, Coltman Dep Ex PC-26
088	Expect to Offer					2011-12 Tracy Annual Faculty Report, Coltman Dep Ex PC-32

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DEF NO.	EXPECT TO/MAY OFFER	PLT OBJ ³	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS*
089	Expect to Offer					2012-13 Tracy Annual Faculty Report, Coltman Dep Ex PC-32
090	Expect to Offer					2013-14 Tracy Annual Faculty Report, Coltman Dep Ex PC-32
091	Expect to Offer					2014-15 Tracy Annual Faculty Report, Coltman Dep Ex PC-32
092	Expect to Offer					2015-11-02 Email correspondence from D. Williams to J. Tracy re annual assignment, Coltman Dep Ex PC-43
093	Expect to Offer					Project Censored website page, Coltman Dep Ex PC-45
094	Expect to Offer					Form – FAU Report of Outside Business or Professional Activity for FAU Employees Agreement, Alperin Dep Ex PA-21
095	Expect to Offer					2015-12-14 Email correspondence from Dean Coltman to Dean Alperin and others re Tracy Complaint (with string emails), Glick Dep Ex PG-3
096	Expect to Offer					2015-12-14 Email correspondence from Dean Coltman to Dean Alperin and others re Tracy (with string emails), Glick Dep Ex PG-4
097	Expect to Offer					2015-12-14 Email correspondence from Dean Coltman to Dean Alperin and others re Tracy (with string emails), Glick Dep Ex PG-5
098	Expect to Offer					2015-12-14 Email correspondence from Dean Coltman to Dean Alperin and others re Tracy (with string emails), Glick Dep Ex PG-8
099	Expect to Offer					2015-12-14 Email correspondence from Dean Coltman to Dean Alperin and others re Tracy (with string emails), Glick Dep Ex PG-9
100	Expect to Offer					2014-10-11 Email correspondence between J. Newcomer and M. Ilyas re Dr. Agarwal (with string emails), Glick Dep Ex PG-21
101	Expect to Offer					2015-12-16 Email from Dean Alperin to G. Perry and others re Tracy (with string emails), Glick Dep Ex PG-25
102	Expect to Offer					2015-12-03 Email correspondence from R. Zoeller to M. Budd re emails (with string email), Zoeller Dep Ex Z-5
103	Expect to Offer					2015-12-02 Email correspondence from R. Zoeller to M. Budd re Tracy (with string email), Zoeller Dep Ex Z-7
104	Expect to Offer					2015-11-24 Email correspondence from R. Zoeller to L. DuKate and others re agenda, Zoeller Dep Ex Z-8
105	Expect to Offer					2015-12-17 Email correspondence from R. Zoeller to D. McGetchin and others re Notice of Proposed Discipline (with string emails), McGetchin Dep Ex PM-15
106	Expect to Offer					2015-12-13 Email correspondence from C. Robe re RSS feed, Robe Dep Ex 8

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107	Expect to Offer					2015-12-17 Email correspondence from Tracy to M. Moats re email (with string emails), Tracy Dep Ex 2 (UFF)
108	Expect to Offer					2015-12-18 Application for Legal Services, Tracy Dep Ex 3 (UFF)
109	Expect to Offer					2015-12-18 Email correspondence from Tracy to R. Zoeller re meeting (with string emails), Tracy Dep Ex 4 (UFF)
110	Expect to Offer					2015-10-20 Email correspondence from Tracy to T. Lenz and others re Report of Outside Employment (with string emails), Tracy Dep Ex 6 (UFF)
111	Expect to Offer					2015-11-24 Email correspondence from Tracy to D. McGetchin re Response to Notice of Discipline (with string emails), Tracy Dep Ex 14 (UFF)
112	Expect to Offer					The Washington Post article: The father of a boy killed at Sandy Hook gets death threats..., Tracy Dep Ex 20 (UFF)
113	Expect to Offer					2015-11-24 Email correspondence from D. McGetchin to Tracy and others re Response to Notice of Discipline (with string emails), Tracy Dep Ex 21 (UFF)
114	Expect to Offer					2013-01-22 Email correspondence from M. Huff to Tracy and others re second gunman allegedly SWAT (with string emails), JT002221-22
115	Expect to Offer					201-06-20 Email correspondence from M. Huff to Tracy and others re Student Names at FAU (with string emails), JT002172-73
116	Expect to Offer					2013-01-08 Email correspondence from Tracy to Dean Coltman re Information on blog disclaimer, JT002171
117	Expect to Offer					2012-11-21 Email correspondence from M. Chossudovsky to Tracy re New Dawn repubs (with string emails), JT001768-69
118	Expect to Offer					2013-01-04 Email correspondence from M. Chossudovsky to Tracy re article (with string emails), JT001801-09
119	Expect to Offer					2013-01-16 Email correspondence from Tracy to P. Watson re reader comment (with string emails), JT002424-25
120	Expect to Offer					2015-12-30 Email correspondence from T. Johnson to Tracy re Tracy (with string emails), JT002426-27
121	Expect to Offer					2015-12-17 Email correspondence from Tracy to M. Moats re email (with string emails), JT002442-44
122	Expect to Offer					2015-12-01 Email correspondence from Tracy to publicrecords@fau.edu re clarification (with string emails), JT002601
123	Expect to Offer					2015-12-01 Email correspondence from Tracy to publicrecords re clarification (with string emails), JT002604-06

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DEF NO.	EXPECT TO/MAY OFFER	PLT OBJ ³	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS*
124	Expect to Offer					2016-12-09 Email correspondence from Tracy to publicrecords re clarification (with string emails), JT002617-23
125	Expect to Offer					2015-04-24 Email correspondence from Tracy to L. Metcalf re query on FAU policy, JT002624
	Expect to Offer					Any business records certification necessary to authenticate documents
	May Offer					Any correspondences from public or third parties re Tracy
	May Offer					All documents produced in response to subpoenas
	May Offer					Any supplemental documents produced by Plaintiff and Co-Defendants
	May Offer					Any pleadings or filings
	May Offer					All answers to Defendants' interrogatories
	May Offer					All answers to Defendants' requests for admissions
	May Offer					All answers to Defendants' requests for production
	May Offer					All exhibits listed on Plaintiff's Exhibit List
						All exhibits listed on any Co-Defendants' Exhibit List
	May Offer					All documents produced during discovery, including all supplemental documents produced by Plaintiff and Co-Defendants
	May Offer					All exhibits to depositions not yet taken or transcribed in this matter
	May Offer					All deposition and hearing transcripts and exhibits thereto
	May Offer					All impeachment exhibits
	May Offer					All demonstrative exhibits and aids
						Defendants reserve the right to amend or supplement its exhibit list any time prior to trial.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by email on this 23rd day of June, 2017, on all counsel or parties of record on the attached Service List.

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Case No. 16-cv-80655-ROSENBERG/HOPKINS**

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