

October 6, 2016

Kirsten C. Stevenson
Associate Campus Counsel
University of California, Davis
Office of the Chancellor
One Shields Ave.
Davis, California 95616-8558

**Re: Gary Ruskin v. The Regents of the University of California
Yolo Superior Court Case No. PT16-1304**

Dear Ms. Stevenson:

Thank you for your letter of September 30th, and for your continued efforts to produce the documents that Mr. Ruskin has requested. I ask that you please respond to the following concerns my client has expressed with respect to your points in the September 30, 2016 letter.

1. We appreciate that it appears a misunderstanding occurred regarding listserv communications. Your response to point 1 indicates that Mr. Ruskin was informed “at least two times that listserv communications with no identifiable sender or recipient had been withheld.” Does this include listserv communications showing that one of individuals or entities named in Mr. Ruskin’s requests were copied on a listserv communication sent by an unidentifiable person? More broadly speaking, aside from listserv communications with no identifiable sender or recipient, have you withheld any other types of listserv communications that contain information responsive to Mr. Ruskin’s requests? Given that listserv communications could reasonably contain information responsive to Mr. Ruskin’s requests, we ask that you produce all listserv communications containing non-privileged or otherwise non-exempt information for all of Mr. Ruskin’s requests, including those requests which you previously deemed “complete” prior to learning of the apparent misunderstanding between Ms. McCuen and Mr. Ruskin.

2. What procedures does the University use to ensure that searches are properly carried out for private email addresses? I am informed that my client has information showing that once his requests became public, some academics began shifting their sensitive communications to private email addresses to avoid capture via public records requests. What safeguards does the University have in place to ensure all relevant public records located on private email accounts is properly disclosed upon request?

Lance H. Olson
Deborah B. Caplan
Richard C. Miadich
Richard R. Rios
Lacey E. Keys

Bruce J. Hagel
of counsel
Diane M. Fishburn
of counsel
Christopher W. Waddell
Betty Ann Downing
Emily A. Andrews
Erika M. Boyd
Adam E. Silver

Northern California
555 Capitol Mall
Suite 1425
Sacramento, CA
95814-4602

Tel: (916) 442-2952
Fax: (916) 442-1280

Southern California
3605 Long Beach Blvd
Suite 426
Long Beach, CA
90807-6010

Tel: (562) 427-2100
Fax: (562) 427-2237

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4. Mr. Ruskin's overriding concern is that all responsive documents that are not privileged or otherwise exempt from disclosure and which are located on private email addresses are produced as part of your responses. I am informed that Mr. Ruskin possesses information casting doubt on whether certain persons whom you have permitted to search their own records have, in fact, produced all responsive documents. Accordingly, Mr. Ruskin respectfully requests that the University select an impartial person to re-do the searches for Dr. Beachy, Dr. Carter and Dr. Ronald for Request #2.

8. We would appreciate your disclosing which private email addresses were searched for records responsive to Mr. Ruskin's requests for Mr. Bisson and Mr. Entine. For example, was a search performed for the email address jon@jonentine.com?

In addition to addressing these comments regarding your letter of September 30, I would also like to inquire about the separate matter of documents referenced as attachments to emails that the University has provided to Mr. Ruskin. For example, page 10 of the Alison Van Eeneennaam batch regarding the Biotechnology Industry Organization refers to two attachments: (1) "Meeting Global Demand and Building Trust.docx" and (2) "LBS Draft Power Point Template for Speakers (2).pptx." These attachments were not included in the response provided to Mr. Ruskin. Did the searches for documents responsive to Mr. Ruskin's requests include searches for all attachments to responsive emails? Assuming so, why were some attachments to emails produced to Mr. Ruskin not also produced?

Thank you again for your continued willingness to search for and produce responsive documents, and to assist us in our understanding of the University's process for doing so.

Very truly yours,

OLSON HAGEL & FISHBURN LLP



RICHARD C. MIADICH

RCM/lp