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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Eugene Division

BRANDON AUSTIN,

Plaintiff,

v.

UNIVERSITY OF OREGON; SANDY
WEINTRAUB; CHICORA MARTIN; ROBIN
HOLMES; and MICHAEL R.
GOTTFREDSON, all in their individual
capacities only,

Defendants.

Case No. 6:15-cv-02257-MC (Lead)

DECLARATION OF MICHELLE BARTON
SMIGEL IN SUPPORT OF DEFENDANTS'
UNOPPOSED MOTION TO SEAL
DOCUMENTS

DOMINIC ARTIS and DAMYEAN DOTSON,

Plaintiffs,

v.

UNIVERSITY OF OREGON; SANDY
WEINTRAUB; CHICORA MARTIN; ROBIN
HOLMES; and MICHAEL R.
GOTTFREDSON, all in their individual
capacities only,

Defendants.

Case No. 6:16-cv-00647-MC

Page 1 - Declaration of Michelle Barton Smigel in Support of Unopposed Motion to Seal Documents and Memorandum in Support

I, Michelle Barton Smigel, declare as follows:

1. I am one of the attorneys for defendants University of Oregon, Sandy Weintraub, Chicora Martin, Robin Holmes, and Michael R. Gottfredson. I make this declaration on personal knowledge or from sources deemed reliable. I am competent to testify with respect to the matters set forth below.

2. Upon learning of the exhibits filed by plaintiffs containing the name of the female complainant in the sexual misconduct matter at issue in this lawsuit, I e-mailed the court on Wednesday, August 17, copying opposing counsel, to ask that the documents be sealed. Plaintiffs responded by e-mail acknowledging their oversight and stating that they do not oppose the request to seal. Attached as Exhibit 1 is an August 17, 2016, e-mail exchange between Alex Spiro, Brian Michaels, the court, and me. I also left a follow up voicemail with the court on Thursday, August 18 regarding our request to seal the documents.

3. On Monday, August 22, plaintiffs' counsel e-mailed opposing counsel and the court (Charlene Pew) indicating that they agree to sealing the identity of the complainant "regarding only this particular subject at this time" and that they agree to keep her identity confidential "until such other time" in the case.

4. On Monday, August 22, the court alerted me by phone that the court had temporarily placed the documents in question under seal in response to our request so that no one could access them but that a party would need to file a motion to seal for the documents to remain sealed and indicated that plaintiffs' counsel had been given the same information earlier

in the day. On August 23, the court confirmed via email to the parties that the documents had been temporarily sealed by the court and that a motion to seal would need to be filed in order for the documents to remain permanently sealed.

Pursuant to 28 USC § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 23rd day of August, 2016, in Portland, Oregon.

s/ Michelle B. Smigel

Michelle Barton Smigel

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Declaration of Michelle Barton Smigel
in Support of Unopposed Motion to Seal Documents and Memorandum in Support on:

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*Attorneys for Plaintiffs Dominic Artis
and Damyean Dotson*

by the following indicated method or methods on the date set forth below:

- CM/ECF system transmission.**
- E-mail.** (Courtesy copy.)
- Facsimile communication device.**
- First-class mail, postage prepaid.**
- Hand-delivery.**

DATED this 23rd day of August, 2016.

s/ Michelle B. Smigel
Michelle Barton Smigel, OSB No. 045530

*Of Attorneys for Defendants University of
Oregon, Sandy Weintraub, Chicora Martin,
Robin Holmes, and Michael R. Gottfredson*