

Andrea D. Coit, OSB #002640
andrea.coit@harrang.com
Jonathan M. Hood, OSB #133872
jonathan.hood@harrang.com
HARRANG LONG GARY RUDNICK P.C.
360 East 10th Avenue, Suite 300
Eugene, OR 97401-3273
Telephone: 541-485-0220
Facsimile: 541-686-6564
Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JAMES M. CLEAVENGER,

Plaintiff,

vs.

**UNIVERSITY OF OREGON (an Agency and
Instrumentality of the State of Oregon), et al.,**

Defendants.

Case No. 6:13-cv-01908-DOC

DEFENDANTS' EXHIBIT LIST

Defendants may offer some or all of the following exhibits at trial, depending on the court's rulings on evidentiary matters. By listing the following exhibits, Defendants do not obligate themselves to offer the exhibits, stipulate to their admissibility, or otherwise waive any objection to Plaintiff's use of the same exhibit, should the evidentiary rulings make said exhibit inadmissible.

Exhibit	Description	Offered	Received	Rejected	Withdrawn
300	Memorandum from Douglas Tripp to UODPS Personnel Re: Professionalism (2/23/10)				
301	E-mail from Cleavenger to Morrow Re: American Citizenship (2/28/11)				
302	Message from Cleavenger to Lebrecht Re: Clarification Memorandum (11/4/11)				
303	Collective Bargaining Agreement				
304	Written Reprimand (5/18/12)				
305	Incident Report Re: Incident at Spencer View Apt. (4/1/12)				
306	CAD Full Report Re: Incident at Spencer View Apt. (4/1/12)				
307	Plaintiff's in-car video re: Incident at Spencer View Apt. - CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER				
308	Officer Hermens' in-car video re: Incident at Spencer View Apt. - CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER				
309	Plaintiff's radio transmissions re: Incident at Spencer View Apt. - CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER				
310	Officer Hermens' radio transmissions re: Incident at Spencer View Apt. - CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER				
311	Plaintiff's Field Training Manual				
312	Memorandum from Lebrecht to Cleavenger Re: Clarification of Expectations (11/18/11)				

Exhibit	Description	Offered	Received	Rejected	Withdrawn
313	Officer Weekly Summary Reports Re: Cleavenger (11/16/11- 12/17/11)				
314	Memorandum from Lebrecht to McDermed Re: Weekly Evaluations (12/28/11)				
315	E-mail from Alex Gardner Re: Advising District Attorney Office of Brady Concerns (3/5/12)				
316	Sgt. Cameron's Notes from 4/1/12 re Spencer View Incident				
317	Memorandum Re: Cameron's and Lebrecht's 4/7/12 Interview of James Cleavenger				
318	E-mail from Cameron to Randy Wardlow Re: Meeting with Cleavenger (4/8/12)				
319	E-mail Exchange Between Lebrecht and Randy Wardlow Re: Follow up of Spencer View incident (4/11/12)				
320	E-mail Exchange Between McDermed and Tripp Re: Cleavenger (5/14/12)				
321	Memorandum from McDermed to Cleavenger Re: Temporary Reassignment (5/18/12)				
322	Cleavenger's Performance Evaluation (5/31/12)				
323	Audio of meeting with Cleavenger and Cameron re performance appraisal				
324	E-mail Exchange Between Cleavenger and Cameron Re: Dates of Annual Review (6/14/12 2:21 p.m.)				

Exhibit	Description	Offered	Received	Rejected	Withdrawn
325	E-mail Exchange Between McDermed and Cleavenger Re: Grievance Meeting (6/14/12)				
326	E-mail Exchange Between Cleavenger and Union Re: Grievance Meeting (6/14/12)				
327	E-mail Exchange Between Cameron and Cleavenger Re: Annual Performance Evaluation Meeting (6/21/12 9:11 p.m.)				
328	E-mail Exchange Between Cameron and Cleavenger Re: Annual Performance Evaluation (6/25/12)				
329	E-mail from Cameron to Cleavenger Re: Changes to Performance Appraisal (6/30/12 8:47 p.m.)				
330	E-mail Exchange Between Cleavenger and Cameron Re: Changes to Annual Performance Evaluation (7/1/12 10:21 p.m.)				
331	Lt. Morrow's Internal Affairs Report with exhibits (7/27/12)				
332	Policy on Digital Audio Recorders				
333	Grievance of Written Reprimand (6/18/12)				
334	E-mail Exchange Between Cleavenger, Union, and Wardlow Re: 8/13/12 Meeting (8/2/12)				
335	CAD Report - Logon - Beginning of Shift (8/13/12 15:00)				
336	CAD Report for Cleavenger – Clear (8/13/12 15:49)				

Exhibit	Description	Offered	Received	Rejected	Withdrawn
337	CAD Report for Cleavenger – Clear (8/13/12 16:25)				
338	Spreadsheet of CAD Events for Cleavenger from 8/13/12				
339	E-mail Exchange with Wardlow, Cleavenger, and Union Re: 8/13/12 Meeting.				
340	E-mail Exchange Between Cleavenger and McDermed Re: Meeting				
341	E-mail Exchange Between Cleavenger and Cameron Re: Annual Performance Evaluation (8/29/12)				
342	E-mails Between Bechdolt, Morrow, and Cameron Re: Call-Outs (9/8/12)				
343	E-mail from Cleavenger Re: Clarification of Activities During Work Hours (9/10/12)				
344	Audio from Cleavenger re instruction from Cameron and Lebrecht re call-outs				
345	E-mail exchange Between Lois Yoshishige and Randy Wardlow Re: Training Offer (9/10/12)				
346	Email from Lois Yoshishige to Cleavenger Re: Training Offer (8/22/12)				
347	E-mails ending September 11, 2012 between Lois Yoshishige, Randy Wardlow, and Cleavenger Training Offer and Response (9/11/12)				
348	Memorandum from Lebrecht to Cleavenger Re: Patrol Re-Training (9/13/12)				

Exhibit	Description	Offered	Received	Rejected	Withdrawn
349	Lt. Lebrecht's Internal Report re Performance Review with exhibits (9/19/12)				
350	Notice of Investigatory Suspension (9/25/12)				
351	Memorandum from Bechdolt to Wardlow Re: Officer James Cleavenger Follow-Up (9/25/12)				
352	Audio Recordings Re: Sept. 2012 Call Outs				
353	E-mail Exchange Between Cleavenger and Lois Yoshishige Ending October 1, 2012, Re: Content of October 2, 2012, Meeting with Brian Smith				
354	Notice of Disciplinary Suspension Without Pay and Pre-Dismissal Hearing (10/1/12)				
355	Letter from Brian Smith to Lois Yoshishige Re: Response to Grievance of Written Reprimand (10/4/12)				
356	Letter from Linda King to Cleavenger Re: Termination of Employment (10/25/12)				
357	Step-3 Decision on Reprimand and Termination Grievances (4/22/13)				
358	21 Standards of Conduct				
359	E-mail Exchange Between McDermed, Bechdolt, and Pete Deshpande Re: Cleavenger Arbitration Decision and <i>Brady v. Maryland</i> (3/10/14 - 3/12/14)				
360	Best Practices for Navigating <i>Brady v. Maryland</i> in Oregon (3/31/14)				

Exhibit	Description	Offered	Received	Rejected	Withdrawn
361	E-mail from Andrea Coit to Marc Stefan Re: Arbitration Settlement (4/7/14)				
362	E-mail Exchange Between Andrea Coit and Marc Stefan Re: Additional Training (4/18/14)				
363	UOPD Policy 612 – <i>Brady</i> Material Disclosure (6/1/13)				
364	E-mail Chain Ending 6/4/14 from Cleavenger Re Settlement Agreement (6/4/14)				
365	E-mails Discussing the Settlement Agreement of the Arbitration Award (6/5/14)				
366	Resignation as a Public Safety Officer with the University of Oregon Police Department (6/14/13)				
367	Memorandum from UOPD to Lane County DA Re <i>Brady v. Maryland</i> Disqualifier Review with attachments (6/17/14)				
368	Complaint from Cleavenger to Junction City Re: JCPD Chief Mark Chase (6/23/14)				
369	Letter from Alex R. Gardner to Chief Carolyn McDermed Re: James Cleavenger (6/30/14)				
370	Letter from Alex R. Gardner to Chief Carolyn McDermed Re: <i>Brady v. Maryland</i> Review Concerning James Cleavenger (7/7/14)				
371	Letter from Chief McDermed to Alex Gardner Re: <i>Brady v. Maryland</i> Review Concerning James Cleavenger (7/28/14)				

Exhibit	Description	Offered	Received	Rejected	Withdrawn
372	Signed Settlement Agreement (9/4/14)				
373	UOPD policies number 1011 and 1060 (12/16/14)				
374	James M. Cleavenger's Lawyer Profile from the Washington State Bar Association (6/2/15)				
375	Photo of Text Messages Between Cleavenger and LeRoy				
376	Text Messages Between Cleavenger and LeRoy (5/8/13)				
377	Text Message Log for 5/8/13				
378	Audio Recording of Appraisal Meeting between Cameron and Cleavenger (6/29/12)				
379	Email from Cleavenger to D. Laue seeking union steward assistance dated June 6, 2012				
380	Email and attachments from Cleavenger to D. Laue re audio recording of contacts, dated July 29, 2012				
381	Email from Cleavenger to D. Laue dated June 7, 2012 re taking time off from UOPD				
382	Email from Cleavenger to D. Laue re response to Lt. Morrow dated June 15, 2012				
383	Email from Lebrecht to UOPD officers dated May 15, 2012 re Whitney Harder				
384	Email from Cleavenger to L. Yoshishige and D. Laue dated July 13, 2012 re retraining offer				

Exhibit	Description	Offered	Received	Rejected	Withdrawn
385	Cleavenger's "Timeline of Events" dated May 5, 2013				
386	Email from Cleavenger to D. Laue dated Oct. 1, 2012 re Hermen's lying to please Cameron				
387	Emails from Cleavenger to union stewards dated 9/8,10/2012 re response to retraining offer				
388	Three photographs of outside of UOPD training room windows				
389	Email from Cleavenger to D. Laue dated August 10, 2012 re Taser speech				
390	Email from Cleavenger to union stewards re new job offers dated October 18, 2012				
391	Emails between Cleavenger and Michael Drake during FTEP re skiing				
392	Text message from Cleavenger to Lebrecht re "Shenanigans"				
393	Carolyn McDermed Resume and training records				
394	Mike Morrow Resume and training records				
395	Lt. Lebrecht Resume and training records				
396	Sgt. Cameron resume and training records				
397	Cleavenger training records				
398	Excerpts from Cleavenger's job application with UOPD and background investigation, including reports of prior arrests				

Exhibit	Description	Offered	Received	Rejected	Withdrawn
399	Email from Cleavenger to union stewards re introduction for grievance meeting dated September 25, 2012				

DATED this 10th day of August, 2015.

HARRANG LONG GARY RUDNICK P.C.

By: s/ Andrea D. Coit
 Andrea D. Coit, OSB #002640
 Jonathan M. Hood, OSB #133872
 Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on August 10, 2015, I served or caused to be served a true and complete copy of the foregoing **DEFENDANTS' EXHIBIT LIST** on the party or parties listed below as follows:

- Via CM / ECF Filing
- Via First Class Mail, Postage Prepaid
- Via Email
- Via Personal Delivery

Mark McDougal
Gregory Kafoury
Jason Kafoury
Grand Stable & Carriage Building
411 SW Second Avenue, Suite 200
Portland, OR 97204
Attorneys for Plaintiff

HARRANG LONG GARY RUDNICK P.C.

By: s/ Andrea D. Coit
Andrea D. Coit, OSB #002640
Jonathan M. Hood, OSB #133872
Attorneys for Defendants

00729712.v1

CERTIFICATE OF SERVICE