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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JAMES M. CLEAVENGER,

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

Plaintiff,

**DEFENDANTS' FIFTH AMENDED
EXHIBIT LIST**

vs.

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

Defendants.

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.

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Exhibit	Description	Offered	Received	Rejected	Withdrawn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Exhibit	Description	Offered	Received	Rejected	Withdrawn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 (6/29/12)				
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	In Car Video of 4/1/12 Traffic Stop of Nicole Commissiong				
333	Audio of Dispatch Communications Re: Initial Stop of Vehicle for 4/1/12 Traffic Stop of Nicole Commissiong				
334	Audio of Dispatch Response for 4/1/12 Traffic Stop of Nicole Commissiong				
335	Audio of Dispatch Re En Route for Coverage for 4/1/12 Traffic Stop of Nicole Commissiong				
336	Audio of Dispatch Communications Re Clear Call for 4/1/12 Traffic Stop of Nicole Commissiong				

Exhibit	Description	Offered	Received	Rejected	Withdrawn
337	In Car Video of 4/2/12 Traffic Stop of Student				
338	Audio of Dispatch Communications Re Initial Call out on 4/2/12 Traffic Stop of Student				
339	Audio of Telephone Conversation Between Student and UO Department of Public Safety Re 4/2/12 Traffic Stop				
340	Policy on Digital Audio Recorders				
341	Grievance of Written Reprimand (6/18/12)				
342	E-mail Exchange Between Cleavenger, Union, and Wardlow Re: 8/13/12 Meeting (8/2/12)				
343	CAD Report for Cleavenger – Clear (8/13/12 16:25)				
344	E-mail Exchange Between Cleavenger and McDermed Re: Meeting (8/12/12, 8/13/12)				
345	E-mail Exchange Between Cleavenger and Cameron Re: Annual Performance Evaluation (8/29/12)				
346	Audio from Cleavenger Re: instruction from Cameron and Lebrecht re call-outs (9/7/12)				
347	E-mails Between Bechdolt, Morrow, and Cameron Re: Call-Outs (9/8/12)				
348	E-mail from Cleavenger Re: Clarification of Activities During Work Hours (9/10/12)				
349	E-mail exchange Between Lois Yoshishige and Randy Wardlow Re: Training Offer (9/10/12)				

Exhibit	Description	Offered	Received	Rejected	Withdrawn
350	Memorandum from Lebrecht to Cleavenger Re: Patrol Re-Training (9/13/12)				
351	Excerpts from the Lebrecht performance review (9/19/12)				
352	Audio Recording Re 9/3/12 Call-Out				
353	Audio Recording Re 9/6/12 Call-Out				
354	Audio Recording Re 9/20/12 Call Outs				
355	Notice of Investigatory Suspension (9/25/12)				
356	Memorandum from Bechdolt to Wardlow Re: Officer James Cleavenger Follow-Up (9/25/12)				
357	E-mail Exchange Between Cleavenger and Lois Yoshishige Ending October 1, 2012, Re: Content of October 2, 2012, Meeting with Brian Smith				
358	Notice of Disciplinary Suspension Without Pay and Pre-Dismissal Hearing (10/1/12)				
359	Letter from Brian Smith to Lois Yoshishige Re: Response to Grievance of Written Reprimand (10/4/12)				
360	Letter from Linda King to Cleavenger Re: Termination of Employment (10/25/12)				
361	Step-3 Decision on Reprimand and Termination Grievances (4/22/13)				
362	21 Standards of Conduct				

Exhibit	Description	Offered	Received	Rejected	Withdrawn
363	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)				
364	Best Practices for Navigating <i>Brady v. Maryland</i> in Oregon (3/31/14)				
365	E-mail from Andrea Coit to Marc Stefan Re: Arbitration Settlement (4/7/14)				
366	E-mail Exchange Between Andrea Coit and Marc Stefan Re: Additional Training (4/18/14)				
367	UOPD Policy 612 – <i>Brady</i> Material Disclosure (6/1/13)				
368	E-mail Chain Ending 6/4/14 from Cleavenger Re: Settlement Agreement (6/4/14)				
369	E-mails Discussing the Settlement Agreement of the Arbitration Award (6/5/14)				
370	Resignation as a Public Safety Officer with the University of Oregon Police Department (6/14/13)				
371	Memorandum from UOPD to Lane County DA Re <i>Brady v. Maryland</i> Disqualifier Review with attachments (6/17/14)				
372	Complaint from Cleavenger to Junction City Re: JCPD Chief Mark Chase (6/23/14)				
373	Letter from Alex R. Gardner to Chief Carolyn McDermed Re: James Cleavenger (6/30/14)				

Exhibit	Description	Offered	Received	Rejected	Withdrawn
374	Letter from Alex R. Gardner to Chief Carolyn McDermid Re: <i>Brady v. Maryland</i> Review Concerning James Cleavenger (7/7/14)				
375	Letter from Chief McDermid to Alex Gardner Re: <i>Brady v. Maryland</i> Review Concerning James Cleavenger (7/28/14)				
376	Signed Settlement Agreement (9/4/14)				
377	UOPD policies number 1011 and 1060 (12/16/14)				
378	James M. Cleavenger's Lawyer Profile from the Washington State Bar Association (6/2/15)				
379	Photo of Text Messages Between Cleavenger and LeRoy				
380	Text Messages Between Cleavenger and LeRoy (5/8/13)				
381	E-mail and attachments from Cleavenger to D. Laue Re: audio recording of contacts (7/29/12)				
382	E-mail from Cleavenger to D. Laue Re: taking time off from UOPD (6/7/12)				
383	E-mail from Cleavenger to D. Laue Re: response to Lt. Morrow (6/15/12)				
384	E-mail from Lebrecht to UOPD officers Re: Whitney Harder (5/15/12)				
385	E-mail from Cleavenger to L. Yoshishige and D. Laue Re: retraining offer (7/13/12)				

Exhibit	Description	Offered	Received	Rejected	Withdrawn
386	Cleavenger's "Timeline of Events" (5/5/13)				
387	E-mail from Cleavenger to D. Laue Re: Hermens lying to please Cameron (10/1/12)				
388	E-mails from Cleavenger to union stewards Re: response to retraining offer (9/8/12, 9/10/12)				
389	Three photographs of outside of UOPD training room windows				
390	E-mail from Cleavenger to D. Laue Re: Taser speech (8/10/12)				
391	E-mail from Cleavenger to union stewards Re: new job offers (10/18/12)				
392	E-mails between Cleavenger and Michael Drake during FTEP Re skiing				
393	Carolyn McDermed Resume and training records				
394	Reserved				
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				
399	E-mail from Cleavenger to union stewards Re: introduction for grievance meeting (9/25/12)				

Exhibit	Description	Offered	Received	Rejected	Withdrawn
400	Final Report OACP Recommendations				
401	Photo of James Cleavenger				
402	E-mail from Lebrecht to Warlow and McDermed Re: PSO (4/10/12)				
403	E-mail from Lebrecht to McDermed and Morrow with Running Log (5/12/12)				
404	Linda King's Notes from the Pre-Dismissal Meeting (10/12/12)				
405	Randy Wardlow's Notes from the Pre-Dismissal Meeting (10/12/12)				
406	Amendment No. One to City of Eugene Contract No. 2006-03208				
407	2012 Training Denials				
408	2012 Training Approvals				
409	Casey Boyd Written Reprimand				
410	E-mail exchange Re: Trespass Letter to Marc Boyd (11/15/13 and 11/18/13)				
411	E-mail exchange Re: DPS Referral (5/18/12 and 5/19/12)				
412	Emails Between UOPD and general counsel re arbitration decision (unredacted)				
413	Report Re: 10/19/13 Incident at Autzen Stadium Involving Marc Boyd				
414	Log of Cleavenger Activity Reports, examples of Criminal Mischief Reports				

Exhibit	Description	Offered	Received	Rejected	Withdrawn
415	Transcript of Audio of Dispatch Communications with Michael Drake				
416	Audio of Cleavenger's Radio Communications on 10-29-2011				
417	Audio of 2-24-2012 Spencer View Incident with Officer Hermens and Officer Phillips				
418	Neutral Letter of Reference from Chief McDermed dated 7-10-2014				
419	Email from Lt. Lebrecht to Sgt. Cameron re: Rough Draft of Evaluation				
420	Email from Lt. Morrow to Lt. Lebrecht re: Corrective Actions				
421	Email from Sgt. Cameron to Lt. Lebrecht on 4-1-2012 re: Spencer View Incident, with attached notes				
422	Article from the Daily Emerald re: ESPN's College GameDay Coverage of University of Oregon Versus Arizona State (October 15, 2011)				

DATED this 14th day of September, 2015.

HARRANG LONG GARY RUDNICK P.C.

By: s/ Andrea D. Coit
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 Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on September 14 2015, I served or caused to be served a true and complete copy of the foregoing **DEFENDANTS' FIFTH AMENDED 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

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CERTIFICATE OF SERVICE