

IN THE COMMON PLEAS COURT OF GREENE COUNTY, OHIO,

GENERAL DIVISION

PROFESSOR PETER TOWNSEND,
et al.,

Plaintiffs,

-vs-

No. 2008 CV 0300

ANTIOCH UNIVERSITY,

Defendant.

DISCOVERY DEPOSITION

The deposition of PAULA TREICHLER taken on behalf of the Plaintiffs at 701 Devonshire, Champaign, Illinois on March 27th, 2008, before Deann K. Parkinson, Certified Shorthand Reporter of the State of Illinois.

CSR #84-002089

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APPEARANCES:

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PAULA TREICHLER,
the deponent herein, called as a witness, after
having been first duly sworn, testified as
follows:

DIRECT EXAMINATION

BY MR. PRICE:

Q. Miss Treichler, we met briefly, my name
is Evan Price, I'm representing the faculty
members from Antioch College in a lawsuit they
brought against Antioch University. I've got some
questions for you here today. But let me begin
with just a little bit brief instructions. If I
ask a question that is in any way confusing to
you, or you get lost as we're going along, let me
know and I'll try and clarify it.

If you need to take a break at any time
to speak with your counsel, I will note that
Michael Slutsky is here on your behalf. Again,
let me know and that will be fine. We can do
that.

As you know, we have a court reporter
here. Court reporters are very good at getting
down transcription and she is trying to take down

1 a verbatim record of what is said. The one thing
2 that can be difficult for her is to get two people
3 talking at the same time. Often times in the
4 course of a conversation I start to ask a
5 question, you know what the question is before I'm
6 done, and in the ordinary course of conversation
7 we will go ahead and start answering. That's
8 difficult for the court reporter. I will ask you
9 to do your best to wait until I finish my
10 question, and likewise I will try and do my best
11 to wait until you finish your answers, okay?

12 A. Okay.

13 Q. Let me mention one other thing, because
14 I think it might come up, and that is the issue of
15 the attorney client privilege. There may be some
16 questions, well, let me just make it clear that
17 I'm not seeking for any information related to any
18 communications between you and any counsel or any
19 information you receive from counsel. And if any
20 of my questions would seem to call for any of that
21 type of information, I'm not asking for it, and I
22 don't intend to, and feel free to talk to Mr.
23 Slutsky if that is a concern, okay?

24 A. Okay.

1 MR. SLUTSKY: And at this point I hope
2 that the same principle applies to the extent that
3 she is asked about any subjects which would call
4 for any communications with her spouse, which we
5 would assert are also privileged.

6 Q. Okay. I don't intend to ask anything
7 about that, but again, I can just ask a general
8 question and sometimes that's the answer. If so,
9 let your counsel know, and or let me know that you
10 can't answer that without getting into issues of
11 privilege, okay?

12 A. Yes.

13 Q. One other issue. Have you signed any
14 agreements with respect to keeping any information
15 related to Antioch College or Antioch University
16 confidential?

17 A. Yes.

18 Q. Without knowing what the scope of those
19 are, but again that is something you need to be
20 cognizant of, and again Mr. Slutsky can advise you
21 on issues related to those obligations, all right?

22 A. Yes.

23 Q. Let me begin with a little bit of a
24 brief background. Well, first of all, if you

1 could state your full name and your address for
2 the record.

3 A. Paula A. Treichler, 808 South Lynn
4 Street, Champaign, Illinois, 61820.

5 Q. And what is your date of birth?

6 A. January 15th, 1943.

7 Q. And Miss Treichler, first of all are you
8 Miss Treichler or Dr. Treichler? I don't want to
9 be disrespectful.

10 A. Doctor, Professor, either of those is
11 fine.

12 Q. Okay. Doctor, let me then ask you, are
13 you taking any medications or anything that would
14 affect your ability to testify today?

15 A. No.

16 Q. Now, I understand you graduated from
17 Antioch College, correct?

18 A. Yes.

19 Q. What year did you graduate?

20 A. 1965.

21 Q. What was your major?

22 A. Philosophy.

23 Q. And after that did you continue with
24 further formal education?

1 A. Yes.

2 Q. What was your next program or degree?

3 A. Ph.D. degree.

4 Q. Okay. And where did you receive that
5 from?

6 A. University of Rochester in Rochester,
7 New York.

8 Q. And was that again in philosophy?

9 A. In linguistics.

10 Q. And when did you receive that?

11 A. 1971.

12 Q. I want to also get a brief work history.
13 I don't know what's easier for you going backwards
14 or forwards. If you want to just start with sort
15 of after you received your Ph.D., tell me what
16 your first full-time employment was.

17 A. Since 1972 I've been employed at the
18 University of Illinois at Urbana-Champaign.

19 Q. Okay. That makes it easy. And are you
20 still employed there?

21 A. I retired in 2004.

22 Q. Okay.

23 A. But I teach, continue to teach.

24 Q. Okay. And during your 32 years there,

1 you were a professor?

2 A. From 1982 on.

3 Q. You were a full professor?

4 A. Oh, no. Assistant professor, then
5 associate, then full professor.

6 Q. Okay. What were you from '72 to '82?

7 A. I was an administrator in a living
8 learning program, residential academic program at
9 the University. And then I was a dean in the
10 college of medicine at Urbana-Champaign.

11 Q. And then in '82 you became a professor?

12 A. Uh-huh, yes.

13 Q. And a professor in what area, or what
14 department?

15 A. Communications. I have an
16 interdisciplinary appointment, and I've had that
17 most of my -- do you want all the departments?

18 Q. If there is any other departments that
19 you've been involved in, other than
20 communications.

21 A. Medical humanities and social sciences
22 program. And that appointment is in the college
23 of medicine. And the gender and women's studies
24 program, and the Institute of Communications

1 research.

2 Q. Okay. And were you a professor then
3 from 1982 until 2004?

4 A. Yes.

5 Q. Since you retired in 2004 you indicated
6 that you continued to teach, but have you had any
7 other formal positions?

8 A. No.

9 Q. I understand that you are currently a
10 member of the Board of Trustees for Antioch
11 University, correct?

12 A. Yes.

13 Q. How long have you sat on that board?

14 A. My first meeting was in October of 2002.

15 Q. What are the terms or what terms were
16 you elected to?

17 A. The first year to my recollection I was
18 filling in a term for someone who had left, and I
19 was on for a year. Then I was reappointed for
20 three years. And then I was reappointed in, I
21 guess it would be --

22 Q. '06?

23 A. '06, for three more years.

24 Q. Okay. So, your current term expires

1 next year?

2 A. Yes.

3 Q. How did you become a board member? How
4 did that come about, going back to October of
5 2002, when you were asked to fill in?

6 A. Two members of the board, I was first
7 called by a then board member named Bill Hooper
8 who lives in Yellow Springs and is a long term
9 family friend. And then he and Amy Chapel, who is
10 now on the board, came to Champaign and we had
11 lunch and they explained to me what being a board
12 member involved. And asked me if I would consider
13 it.

14 Q. Okay. Ultimately you agreed?

15 A. Yes.

16 Q. Dr. Treichler, when did you first learn
17 that Antioch University was considering suspending
18 operations at Antioch College?

19 A. In June of 2007.

20 Q. And that is when the decision was made?

21 A. In that month.

22 Q. Okay. And what were the reasons for
23 suspending operations at Antioch College?

24 MR. SLUTSKY: I'm going to object on

1 grounds of ambiguity. You are saying what reasons
2 was she told by someone, what reasons does she
3 think? I think it's unclear.

4 Q. I'm just asking for her understanding of
5 what the factual basis for the decision was; if
6 that's clear.

7 A. For example, as written in the
8 resolution?

9 Q. Okay. And we have the resolution, I'm
10 probably going to ask you to look at that later.
11 I was just asking you, what is your understanding
12 of what the factual basis for the decision was?

13 A. The reason presented, the facts
14 presented to the board, really involved a dire
15 financial situation.

16 Q. Was it primarily a financial decision?

17 A. Yes. That is at least how we understood
18 it.

19 Q. Okay. After you became aware of that,
20 what other alternatives were presented for your
21 consideration as a board member?

22 A. One alternative was to keep the college
23 open with no additional intervention of any kind.
24 In other words, continue the path as it was.

1 Q. Do nothing?

2 A. Do nothing.

3 Q. Okay.

4 A. The second alternative was keep the
5 college open, but -- what was the second
6 alternative? The second alternative was, as I
7 recall, to keep the college open, but to suppose
8 that we could do more cutbacks of the budget for
9 the college, and raise more money.

10 Q. Okay.

11 A. So, keep it open with interventions of
12 both more money and less costs.

13 Q. Okay. And any other options?

14 A. The third alternative was to suspend
15 operations at the college, and with the
16 possibility of reopening at a later date.

17 Q. And ultimately that was the option that
18 was adopted by the board?

19 A. Yes.

20 Q. Did you agree with that decision?

21 A. I did not.

22 Q. Okay. Why not?

23 A. The term used was financial exigency.

24 And because that term was declared, because there

1 was a declaration of financial exigency, I
2 believed that the terms required to declare that
3 that condition had not been met.

4 Q. What in particular did you think had not
5 been met?

6 A. Let me just clarify one thing.

7 Q. That's fine.

8 A. That I'm not disputing dire financial
9 straits.

10 Q. Understood?

11 A. It's the use of the term financial
12 exigency. And that declaration, in my
13 understanding, requires that there must be
14 consultation with the faculty who are to be
15 affected within the institution that's to be
16 closed, and that a shared governance model
17 requires that a discussion with the faculty seek
18 less drastic means than declaration of financial
19 exigency, and suspending operations.

20 Q. Before the decision would be made?

21 A. Right.

22 Q. There should be consultation?

23 A. Right.

24 Q. Okay. Apart from that sort of the

1 procedural issue, were there any other reasons why
2 you disagreed with the decision to declare
3 financial exigency at that time?

4 A. Financial exigency puts -- it limits the
5 possibilities for taking steps to get out of
6 financial exigency.

7 Q. Okay. Such as what type of steps?

8 A. Such as if financial exigency is
9 declared, decisions are taken out of the hands of
10 the faculty. And they can no longer take their
11 own steps to reduce costs or earn more money.
12 That's my understanding.

13 Furthermore, once an institution is put
14 into financial exigency, its ability to do things
15 like recruit students, send out public
16 information, raise money, do fund raising, all of
17 those things become more difficult because it has
18 this declaration.

19 Q. Focusing on the fund raising piece, I
20 can understand what you mean by the declaration
21 making that more difficult. Were any efforts
22 taken before the declaration to try and raise
23 funds?

24 A. Yes.

1 Q. Okay. What efforts were undertaken?

2 A. There was a large capital campaign on
3 behalf of the college which as I recall was being
4 launched the same year that I went on the board,
5 2002. A campaign cabinet had formed. It was led
6 by Robert Grinski, who had been on the Board of
7 Trustees. And it was in, I think a three-year
8 silent phase in which attempts would be made to go
9 to significant donors, get a certain amount of
10 money, and then open it up publicly.

11 Q. Okay. I didn't mean to interrupt.

12 A. Go ahead.

13 Q. The three-year silent phase being from
14 '02 to '05?

15 A. That is my recollection.

16 Q. Okay. And then to open it up more
17 generally to the public in '05?

18 A. Then to announce it, and say this is how
19 much more money we have to raise.

20 Q. Okay. Was that campaign successful?

21 A. It was successful up to a point, but it
22 did not meet its goals.

23 Q. Okay. Why did it not meet its goals?

24 A. There are probably many ways to answer

1 that question. The one that, one of the points I
2 will make is that, and I believe this would be
3 generally agreed to, is that the college's
4 financial situation and the university's financial
5 situation really made it very difficult to
6 sufficiently staff the operations that would be
7 needed to do that kind of fund raising.

8 Q. Okay. Anything else other than sort of
9 a lack of support for the administrative support?

10 A. One of the other major reasons is that
11 the figure that we've been given is that Antioch
12 College has roughly 17,000 alumni. Many of those
13 alumni have felt alienated and cut off from the
14 college since the 1970s. And many have been
15 reluctant, especially once in I guess '78 is when
16 the University structure was created. But,
17 certainly in the eighties, nineties, and
18 thereafter have been reluctant to give because
19 they didn't trust the University. They may also
20 not have trusted the college. But, if it had been
21 just a college, they might have been more ready to
22 give.

23 So, it was a combination both on the
24 side of the alumni and their views of the college

1 and the University, and also the problems within
2 the institution of reaching out to those alumni
3 because there weren't enough staff.

4 Q. Other than those issues, any other
5 problems you saw with the capital campaign?

6 A. Well, with the financial situation, I
7 mean part of the problem going along with the dire
8 financial situation was declining enrollment. And
9 so while that didn't directly constrain the
10 capital campaign, it had an effect certainly I
11 believe on staffing.

12 Q. While you were on the board was anything
13 done or any steps undertaken to address what I'll
14 call the alienation of the alumni?

15 A. Many discussions were held about it.

16 Q. Was anything in particular done to
17 address it?

18 A. Well, there is several aspects to that
19 situation. There has been an active alumni
20 association and alumni board throughout even
21 during the worst of times and the best of times.
22 And that board has remained active and has done a
23 great deal for the college. So that's one piece
24 of it, that active group.

1 There has also been, I would say
2 erratic, periodic efforts to do a big mailing to
3 alumni to let them know what's going on. To keep
4 up the newsletters and things like that. But, I
5 would say that I would have to answer no, overall,
6 that there has not been really any truly effective
7 means of reaching all those alumni changing.

8 Oh, but the one other piece I wanted to
9 mention is that in, I guess the 1980s, and I'm not
10 sure of when this began, but one graduate of
11 Antioch College established the Antioch
12 Independence Fund and wrote to all the alumni and
13 asked them to send her their donations rather than
14 sending it to the college, to the annual fund or
15 to some other program at the college on donations
16 to Antioch College.

17 By the time I went on the board, the
18 AIF, it was called, was up to about three-quarters
19 of a million dollars I think. And that was just a
20 constant reminder of alienation to the alumni who
21 would get mailings from the woman who ran that
22 fund and from the college trying to, and
23 University, trying to tell people not to pay
24 attention to the fund, but to send money to the

1 college and the University instead.

2 Q. Okay. You mentioned in particular that
3 there was sort of distrust of Antioch University.
4 Was anything done to sort of address the issues as
5 to why people felt that way and alleviate it?

6 A. I think when, in 1985 or '84 when Alan
7 Guskin was hired to be president of the college,
8 and CEO, I can't remember exactly how those fit
9 together at that time, but --

10 Q. That was what year?

11 A. Well, '85 is when his inauguration was,
12 and it was a big inauguration. It had to be held
13 under a tent because no building was in sufficient
14 shape to be able to hold people if it rained. I
15 mean, things had come to that. Faculty were
16 actually out on the campus picking up papers with
17 those pointed sticks. And he turned things around
18 for, I would say there was about a five-year
19 period when the University and college together
20 seemed as though they could go forward and thrive.

21 Q. Right. But, after you joined the board
22 was anything done to try and sort of restore that
23 or to address those issues?

24 MR. SLUTSKY: Again, the issues being?

1 Q. The alienation, the distrust.

2 A. Apart from the capital campaign?

3 Q. Well, was the capital campaign intended
4 to address --

5 A. It was.

6 Q. -- the distrust?

7 A. Yes. It was. It was an attempt to
8 restore confidence.

9 Q. Okay.

10 A. And to restore fiscal stability.

11 Q. Going back, we sort of went off on a
12 tangent, but we were talking about the decision to
13 declare financial exigency. Did the issue of
14 tenure play any role in the decision to suspend
15 operations at Antioch College for four years?

16 A. I think you have to be more specific,
17 something more than just saying any role.

18 Q. Well, was it considered? Was it part of
19 the reason for the decision?

20 MR. SLUTSKY: Let me object just to
21 clarify, when you are speaking in terms of the
22 decision to suspend, are you limiting the question
23 to that? Or also the decision to declare
24 financial exigency?

1 Q. Well, and I wasn't meaning to delineate
2 between the two. I guess let me begin by saying,
3 did it play any role with respect to the
4 declaration of financial exigency?

5 A. No explicit role.

6 Q. Okay. What about with respect to the
7 decision to suspend operations for four years?

8 A. No explicit role.

9 Q. Was there any discussion of the issue of
10 tenure in connection with those issues?

11 A. No explicit discussion. In other words,
12 no discussion where someone said let us now
13 discuss the impact on tenure or the impact of
14 tenure on these decisions.

15 Q. Okay. Was there any discussion at all
16 regarding tenure?

17 A. There was at the June meeting, there was
18 one comment by one of the trustees about tenure.

19 Q. Okay. What was that comment? First of
20 all, who was that?

21 A. It was Bruce Bedford, the chair of the
22 finance committee.

23 Q. Okay. What did Mr. Bedford say?

24 A. It was in the context of explaining,

1 trying to get the board to understand the concept
2 of financial exigency. And why it might be, why
3 it was distinct from bankruptcy. Why it was not
4 exactly the same as bankruptcy.

5 And that discussion was taking place;
6 what is financial exigency? And Bruce Bedford
7 said, and I'm paraphrasing, but he said we need to
8 set aside the emotional aspects of declaring
9 financial exigency. It is the only way that we
10 can not have to pay tenured faculty. At the other
11 campuses we could simply lay them off.

12 Q. Dr. Treichler, I'm going to hand you a
13 notebook here, which has some exhibits in it. And
14 here is a copy. I'm going to direct your
15 attention to certain exhibits and ask you some
16 specific questions about them.

17 And let me begin by directing your
18 attention to what is tabbed, as you can see they
19 got tabs as well as they will have exhibit
20 stickers, but direct your attention to what has
21 been marked as Plaintiff's Exhibit 2. Do you have
22 that in front of you?

23 A. Yes.

24 Q. Directing your attention there to the

1 first paragraph, about the fifth line down there
2 is a sentence that begins, it is now clear, do you
3 see that?

4 A. Uh-huh.

5 Q. It is now clear that the college's
6 resources are not sufficient to sustain itself,
7 and its options to reverse this trend have been
8 exhausted. Do you agree with that statement?

9 A. No.

10 Q. Okay. Why not?

11 A. As I mentioned before, to talk about the
12 college's options and not to have consulted the
13 faculty or worked with the faculty and with the
14 campus community, if you haven't done that, then
15 you have not exhausted your options.

16 Q. Okay. Let me ask you this: Was another
17 option to also approach the alumni about the
18 situation?

19 A. Yes. That would have been another
20 option.

21 Q. Was that done?

22 A. No.

23 Q. If I could direct your attention then to
24 the next page, the first full paragraph, and I'm

1 just going to read this to help you, but the first
2 two sentences, as a result Antioch College has
3 survived in recent years through reliance on
4 financial subsidies from the five nonresidential
5 campuses of Antioch University, which are the
6 successful survivors of the expansion initiative
7 of the late 1960s. And then next sentence says,
8 but those subsidies now exceed levels that are
9 sustainable over the long-term because they
10 deprive the nonresidential campuses of the funds
11 they need to remain competitive in their local
12 markets. Do you agree with that statement about
13 the subsidies from the nonresidential campuses to
14 Antioch College?

15 A. Yes, I do.

16 Q. Can you explain what the issue there is,
17 or what the concern was?

18 A. On the part of the residential campuses?

19 Or --

20 Q. Well, what was the issue that was being
21 dealt with, as far as this part of the board
22 resolution?

23 A. That by, if one of the residential
24 campuses, let's say Antioch Seattle.

1 Q. And you mean residential or
2 nonresidential?

3 A. Nonresidential campuses did well,
4 marketed its programs well, got good enrollments,
5 was prudent in its expenditures, and managed to
6 come out of the year in the black, whatever that
7 was left over would often be taken from Seattle
8 and transferred to the college.

9 Q. Okay.

10 A. So, that there was no incentive built
11 into this structure for those campuses to do well
12 or to have initiative. They had no -- I mean,
13 they did go on doing the best they could, but they
14 could never plan ahead.

15 Q. Because of the financial drain?

16 A. Yes.

17 Q. Of Antioch College, the undergraduate
18 program?

19 A. Yes. And I agreed with that.

20 Q. If I could direct your attention to the
21 next page, the last full paragraph, the statement
22 there, the first sentence, yet the infusion of
23 capital necessary to substantially improve
24 buildings and undertake new construction is

1 lacking. The renewal commission noted that while
2 Antioch has embarked on a capital campaign with a
3 goal of raising 65 million, only about 30 million
4 have been committed.

5 Is that the capital campaign you were
6 referring to earlier?

7 A. When the renewal commission was
8 established, there was, I'm not quite sure what
9 word to use, but an effort to make a transition
10 between the capital campaign as it had been
11 envisioned to the renewal commission to obtaining
12 support for the renewal commission and its
13 initiative.

14 Q. Okay. And it notes there a goal of
15 raising 65 million; that was for the renewal
16 commission plan?

17 A. I think that was the initial capital
18 campaign. So that -- I'm sorry, repeat the
19 question.

20 Q. Well, my question was, was the goal of
21 raising 65 million, when had that been set?

22 A. It's my recollection that there was not
23 an adjustment, a special adjustment in the goal,
24 of what we were going to try to raise between the

1 initial capital campaign and the renewal
2 commission. But, I could be wrong about that. I
3 don't quite remember.

4 Q. Fair enough. Going back to when the
5 goal of 65 million had been set, was there a time
6 frame set on that as to when that was expected to
7 be completed?

8 A. I think it was a five or six year
9 campaign.

10 Q. So, it would have been around '07 or
11 '08?

12 A. I think so. I think so. Yeah. That
13 was the first year that I was on the board when I
14 really took in those things and I was kind of in a
15 fog. It was very new to me.

16 Q. Fair enough. Let me ask you
17 specifically though, the inability to raise the
18 full 65 million, do you think that that was due in
19 any part to failures by the board?

20 A. Yes.

21 Q. What do you think the board failed to do
22 to help sustain or insure that that campaign would
23 be successful?

24 A. Board members are expected to give at a

1 certain level according to their means. But also
2 to go to other prospective donors and get -- so as
3 early as the first meeting that I went to, the
4 outside, the firm that was the outside consultant
5 for the capital campaign, had a plan whereby a
6 board member would be paired with one of their
7 staff or with the Antioch College development
8 staff. And we would go out across the country to
9 different donors, and it was to be perfectly
10 coordinated and we were all to get trained in how
11 to do fund raising and approach donors. And it
12 never went anywhere.

13 So, there were perhaps, I don't know,
14 probably three or four board members who were
15 quite experienced and who were active in visiting
16 donors and working with the development staff and
17 with the capital campaign staff. But for most of
18 us we were never brought into that process as it
19 had been envisioned that we would be.

20 Q. In other words, the board wasn't used as
21 a resource to help promote the capital campaign?

22 A. Right. And -- right.

23 Q. Okay. Any other failures by the board
24 to adequately support the program, other than what

1 you've already talked about?

2 A. Well, at each board meeting, we were
3 given lists of -- we were given information on how
4 many board members had contributed to the college,
5 the University, the other campuses and so forth.
6 And while it was always a majority, it was very
7 rarely unanimous. So, some board members were not
8 giving anything. Some were giving a great deal.
9 And the efforts to, I think only one effort was
10 made, in my case anyway, to tell me exactly what I
11 should be giving.

12 Q. Okay. Let me ask you more generally
13 about the renewal program. Or the renewal
14 commission plan that was implemented in around
15 '05, '06. Was that a successful program?

16 A. I thought it had considerable potential.

17 Q. Okay. How did it work out when it was
18 rolled out on campus?

19 A. The report at the time is somewhat
20 different from the report in retrospect.

21 Q. Okay.

22 A. So I'll start with the report at the
23 time.

24 Q. Okay.

1 A. Was that it was very successful, and
2 that the faculty, this was the report given us by
3 the chief academic officer of the college.

4 Q. Who would that be?

5 A. That would have been Rick Jurasek at the
6 time who was interim president, I think, while
7 they searched for a permanent president. And his
8 report to the board was that the faculty were so
9 excited about this new program that they wanted to
10 begin implementing it a year early.

11 Q. And when did he make that, approximately
12 when was that report made to the board?

13 A. I think it would have been in -- I
14 actually can't remember whether the, I think this
15 is the first year, is this the first year? I
16 can't ask you questions, right?

17 Q. And I can --

18 A. I'm just trying to recall the time table
19 here.

20 Q. Well, let me try and help you.
21 Referring you again to the report there in front
22 of you, or actually the Antioch University Board
23 of Trustees declaration of financial exigency, if
24 you could turn to, and the pages are unnumbered, I

1 believe it is page four, begins up top full
2 paragraph, "in an effort"?

3 A. Uh-huh.

4 Q. And if you --

5 A. Okay.

6 Q. Go down?

7 A. To 06-07.

8 Q. Okay. Students began to be enrolled in
9 this new program in 06-07?

10 A. Yes.

11 Q. So, with that sort of as a starting
12 point, when did Mr. Jurasek report to you that it
13 was going very well, or that it was very
14 enthusiastically received?

15 A. I think it would have been probably the
16 spring of '06. Possibly the summer. But, I think
17 it was the -- I think it was the spring.

18 Q. Okay. Did you subsequently receive a
19 different report concerning the success of the
20 renewal commission plan?

21 A. What we received later was the
22 information that there had been miscommunication,
23 at least this is what we on the board had been
24 given to understand. That Rick Jurasek told the

1 faculty that he wanted, that the board wanted the
2 program to start a year ahead of schedule.

3 Q. Okay.

4 A. But he told the board that the faculty
5 wanted it to start a year ahead of schedule. Now,
6 that, so I'm just reporting what we were told or
7 pieced together after the fact.

8 Q. Well, let me ask you the parts that you
9 would know. And that is, Mr. Jurasek did report
10 to you as a board member that the faculty was
11 requesting that it be implemented a year earlier?

12 A. Yes.

13 Q. Did the board ever direct that it be
14 implemented a year earlier?

15 A. No.

16 Q. Now, with that plan being implemented in
17 '05 and '06 --

18 A. Could I just go back to that last
19 question?

20 Q. You sure can.

21 A. The board as a whole, as an official
22 body, certainly never mandated that the program
23 start early. But, there were at least two or
24 three board members who were on the renewal

1 commission, as was Rick Jurasek, as was Anjae
2 Block and some other people from the college. And
3 what may have transpired among them, I don't know.

4 Q. Fair enough. That's why I was just
5 asking you if the board had actually directed sort
6 of the acceleration. But stepping back from sort
7 of those discussions about accelerating or not or
8 what was expected when the plan would be
9 implemented, how did the plan actually work out
10 when it was indeed implemented?

11 A. Well, one way to answer that might be to
12 say that several of us on the board made a point
13 of inviting faculty and students to come talk to
14 the board about their experience. And some of us
15 made a point of speaking with individual faculty
16 who we knew had been involved in the program, and
17 if there were opportunities speaking to students
18 that we might have known.

19 And my understanding from those reports
20 was that although the accelerated start up had
21 been rather stressful, that the people actually
22 engaged in the program were pleased with it. They
23 felt it needed revisions of course. But, they
24 were excited and they thought it was a very

1 interesting and educational experience.

2 Q. Okay. Let me ask you this: Was part of
3 the purpose of the renewal commission plan to help
4 increase enrollment?

5 A. Yes.

6 Q. Was it successful in that regard?

7 A. There are disputes about that question.

8 Q. Okay. Enlighten me.

9 A. If you look at the overall numbers of
10 students and the decline in enrollment from say
11 04-05, to 06-07, say over a two year period,
12 certainly there was not the growth in enrollment
13 that had been hoped for or predicted.

14 But, I have also been told that if you
15 look at which students actually left the college
16 who were already there, it was not the first and
17 second year students who were engaged in the
18 renewal commission and in the learning
19 communities. But, it was more the third and
20 fourth year students who felt somewhat abandoned
21 and felt as though the best faculty had been sort
22 of detailed to be in the learning communities. So
23 the first and second year students were doing
24 better.

1 But, I haven't myself sat down with
2 numbers and class photos and figured out exactly
3 who stayed and who left. But, those are the two
4 differing perspectives.

5 Q. Did you think that the renewal
6 commission plan would require some time for
7 implementation?

8 A. Yes.

9 Q. How long did you think it would take to
10 really get it up and running?

11 MR. SLUTSKY: Objection as to ambiguity.
12 When you say you, are you asking her personally?

13 Q. Yeah, her personal.

14 MR. SLUTSKY: Or as a board?

15 Q. Her personal?

16 A. Well, I wasn't on the renewal
17 commission.

18 Q. I understand.

19 A. I did read the report. I certainly
20 would have thought three years minimum, probably
21 five, because you would have to almost see a class
22 through. Certainly through two years. And then
23 you would have to see what happened then.

24 You really needed a graduating class

1 before you could judge the overall effectiveness,
2 I think. But, certainly three years would have
3 given you data.

4 Q. Okay. Did the board make any
5 committment as far as how long the faculty would
6 be given to implement the renewal commission?

7 A. My understanding was that it was three
8 years.

9 Q. Okay. If I could direct your attention
10 to the next page. Actually one more page. The
11 one with the chart at the top. The second full
12 paragraph that begins, "in addition". And in
13 particular, I'm not going to read it, but I wanted
14 to direct your attention, if you take a moment to
15 read through that paragraph. In particular, I was
16 focusing on the numbers there at the bottom, the
17 decline in inquiries from 03-04 from \$11,000 down
18 to less than \$3,500. And the number of
19 applications from 600 to 400 in a fairly short
20 period of time, just over a two year period. Do
21 you have an understanding as to what caused that
22 sort of dramatic decline there from '03 to '06?

23 A. I would say that if I were to take the
24 board meetings that I have been to, we've probably

1 heard 20 different explanations for Antioch
2 College's enrollment at one time or another.

3 So, it is very difficult for me to draw
4 my own conclusions from these numbers. In fact,
5 the numbers themselves don't really tell me
6 everything that I would need to know.

7 I don't know, for example, whether -- I
8 don't know who all this counts. I mean, for a
9 long time just before I came on the board there
10 was continual confusion between students by head
11 count and students by full-time equivalent. So
12 those would be kind of almost used interchangeably
13 at times. So, that there might be 150 bodies that
14 you were talking about, but it would add up only
15 to say 75 full time equivalents, because to make
16 it simple they were all going half time.

17 So, I would need more information about
18 that. But, just looking at these figures, I would
19 be reluctant certainly to attribute the decline in
20 enrollments here to anything intrinsic to Antioch
21 College. Or to the renewal commissions plan. I
22 would be much more inclined to attribute it to
23 turnover in the admissions office, no one knew how
24 to work the postage meter, to that kind of, to an

1 administrative structural problems, rather than
2 the programs per se.

3 Q. If I could direct your attention on to a
4 couple more pages, and it's actually an attachment
5 to the declaration itself, that begins with
6 preamble. Let me first of all ask you, Doctor, if
7 you are familiar with this particular document?

8 A. Yes.

9 Q. Can you tell me what that is, or what
10 were the circumstances under which you became
11 familiar with the preamble?

12 MR. SLUTSKY: The document you are
13 referring to, just the two pages?

14 Q. The two page preamble.

15 A. I think that as I recall, the first time
16 I saw the preamble is when material was released
17 for the alumni weekend, reunion weekend in June.

18 Q. Okay.

19 A. I don't think, we didn't see this in
20 June. I first saw it about two weeks later I
21 think.

22 Q. So you did not see this particular
23 document until after the board had already adopted
24 the declaration?

1 A. Right.

2 Q. Okay. Of financial --

3 A. As I understood it, this was an attempt
4 to clarify for the public and for alumni the
5 reasoning that had gone into the resolutions that
6 aren't completely self explanatory.

7 Q. With respect to this preamble, were you
8 as a board member given a chance to review it
9 before it was disseminated to the public?

10 A. I certainly was not.

11 Q. Okay. If I could direct your attention
12 down to the third paragraph of that. And ask you
13 if you would just read that to yourself. It's the
14 one beginning with ongoing discussions.

15 A. Yes.

16 Q. Is that paragraph accurate?

17 MR. SLUTSKY: I'm going to object because
18 it's a very much of a compound question. Because
19 there's a lot in that paragraph.

20 Q. Let me ask you, is there anything in
21 that paragraph that is inaccurate?

22 A. In the second sentence when you say,
23 when it says all options were thoroughly examined.
24 The passive voice there makes it unclear who

1 participated in that examination.

2 Q. Okay. From your perspective as a member
3 of the board, did you participate in a thorough
4 review of all options?

5 A. Given that in my view a thorough review
6 of all options would have required a discussion
7 with and among the faculty, I would have to say
8 that I did not believe that everything had been
9 thoroughly examined.

10 Q. Okay. Focusing again on that same
11 sentence, let me ask you some specific questions.
12 It talks about all options were thoroughly
13 examined, including the prospect of requesting
14 judicial review to free the endowment from
15 restrictions. Were you involved in examining that
16 option?

17 A. I believe it was presented to us and
18 some of the technical difficulties of doing that
19 were reviewed.

20 Q. Okay. What about making severe
21 reductions in health care and retirement benefits?

22 MR. SLUTSKY: It's your question whether
23 that was presented?

24 Q. Whether that was presented or she was

1 involved in reviewing that option?

2 A. I don't recall.

3 Q. Any discussion of that?

4 A. Well, it seems to me that that would
5 have come from probably the finance committee. I
6 really, I can't remember discussions of health
7 care and retirement benefits.

8 Q. Okay. Then the next clause there goes
9 on to talk about selling some or all of the assets
10 of other campuses of Antioch. Do you recall any
11 discussion of that potential option?

12 A. Yes.

13 Q. What do you recall about that?

14 A. That it wouldn't, it really -- that it
15 wouldn't solve the problem. It wasn't sufficient
16 to solve the problem.

17 Q. Okay. And then finally it talks about
18 making creative use of assets in Yellow Springs.

19 A. Yes. That was discussed extensively.

20 Q. Okay. Can you explain what that means?
21 Making creative use of assets?

22 A. Well, I can certainly, I remember one
23 example, the one example that as I recall we
24 talked about at greatest length was taking the

1 property which is around and behind the Fells
2 building, so let's see it would be on the --
3 west side of Livermore Street, and creating low to
4 mid-level housing that could be used by faculty
5 or -- especially faculty. But, other people in
6 Yellow Springs, there's kind of a lack there of
7 mid-priced housing.

8 And it was seen that that could perhaps,
9 that we could have these units constructed there
10 that would help faculty be able to afford housing
11 because a lot of the younger faculty especially
12 live outside of town because they can't afford to
13 live within Yellow Springs. But also it would
14 bring in revenue and it would, by selling pieces
15 of that property, it would give us enough money to
16 actually build the structures that we needed to
17 build.

18 Q. Okay. Other than that particular piece,
19 do you recall any other discussion under the
20 auspices of making creative use of assets in
21 Yellow Springs?

22 A. There was talk of when the McGregor
23 building was in the process of being kind of put
24 on the table, and the idea of it being part of

1 this research park, research and commercial park,
2 there was discussion then of trying to duplicate
3 the kind of incubation of innovative businesses
4 and innovative projects that Arthur Morgan had
5 espoused in the thirties and forties and some of
6 the merchants in Yellow Springs indicated that
7 they were kind of thinking along those lines also
8 of something like a little baby Yellow Springs
9 instrument company, or a baby Antioch book plate
10 company, or something like that.

11 So, that was another thing that was
12 actually one of the aspects of the McGregor
13 proposal that was attractive to some of us on the
14 board.

15 Q. To help support the college?

16 A. It would have been in part to help
17 support the college, but it would have been
18 another revenue stream.

19 Q. If you go down to the next paragraph
20 then, the second sentence says the president of
21 the college made a valiant appeal to keep the
22 college open which was judged to be imaginative
23 and constructive, but with little promise of
24 success to sustain the college over the long-term.

1 Were you present when the president made that
2 appeal?

3 A. No.

4 Q. Do you know, well, the president is
5 Steve Laury, correct?

6 A. Right. Yes. Steve Laury.

7 Q. And when was that appeal made?

8 A. It was my understanding that the appeal
9 was not made to the board directly, but to the
10 group called the University Leadership Council.
11 And to the chancellor. And possibly to the
12 campus. I don't know. But, his -- he was in a
13 sense, he was not given an opportunity to present
14 it directly to the board.

15 Q. Okay. You mentioned a few things, and
16 let me just clarify them for the record. The
17 University Leadership Council. What is the
18 University Leadership Council?

19 A. It is the presidents of the other, of
20 all of the Antioch campuses. So, McGregor,
21 Antioch, McGregor, Seattle, Antioch College, New
22 England, and then LA and Santa Barbara, which are
23 now two presidents, but before were one.

24 Q. And the presidents, anyone else on the

1 University?

2 A. The chancellor, and I don't know whether
3 the chief financial officer is counted as part of
4 the leadership council. But, there were
5 administrative staff people who would be present
6 at those meetings certainly.

7 Q. Okay. So, the appeal was made by the
8 president to the other presidents, as well as to
9 the chancellor, is that your understanding?

10 A. That is my understanding.

11 Q. Do you know what was in his appeal that
12 was imaginative and constructive?

13 A. No.

14 Q. Who made the decision not to share sort
15 of that appeal or the contents of it with the
16 board?

17 A. I don't know.

18 Q. Okay. If you go to page two of that,
19 the last paragraph second sentence talks about as
20 difficult as it was for the board to exercise its
21 fiduciary obligation in this way, the board
22 understood that the hardship for the diligent,
23 imaginative and dedicated faculty and students of
24 Antioch College, and the broader Antioch

1 community, including alumni and residents of the
2 village of Yellow Springs, was incalculable. Did
3 you agree with that statement?

4 A. Not a perfect sentence. Do I agree that
5 the board understood this, or do I agree that --

6 Q. Do you agree with the statement? You
7 yourself?

8 A. That the hardship was incalculable.
9 Yes.

10 Q. Okay. As an alumni of the college, has
11 the possible suspension of the college harmed you
12 in any way or affected you?

13 A. That's a hard question to answer. I
14 think it depends on what you mean by harm.

15 Q. I'm not talking monetary harm, if that
16 makes it easier.

17 MR. SLUTSKY: In her role as an alum?

18 Q. As an alumni of the college.

19 A. So, has it been a psychic hardship? Or
20 emotional hardship or --

21 Q. Or perhaps harmed you as far as, in your
22 view, the prestige attached to your degree?

23 A. No.

24 MR. GROVES: Objection. You can answer

1 when I object unless your attorney instructs you
2 not to. I wasn't objecting to your answer. I was
3 objecting to the question. Since it was the first
4 time anybody else objected, I thought I better
5 clarify that.

6 Q. Let me ask you this, Professor. As a
7 board member were you given a significant amount
8 of financial -- well, strike that significant.
9 Were you given financial information with respect
10 to the motion or the proposal to declare financial
11 exigency?

12 A. Yes.

13 Q. And obviously you had an opportunity to
14 review that information?

15 A. Uh-huh.

16 MR. SLUTSKY: Was that, you need to
17 answer yes or no instead of uh-huh or uh-uh.

18 A. Yes.

19 Q. Did you have any concerns about the
20 accuracy of any of that information?

21 A. Yes.

22 Q. What concerns did you have?

23 A. I don't have financial expertise. And
24 it's a lot of information. And I am not qualified

1 to analyze the raw data myself, and I am -- I do
2 not know how the raw data were turned in to the
3 presentations that we were given. And so I had to
4 accept the judgment of other people that it was
5 complete. That it was accurate. That it told the
6 story it purported to tell. And as an academic, I
7 would have to say therefore that I did not feel, I
8 didn't feel equipped to make my own independent
9 judgment, but I did not like taking the judgment
10 of other people as self evident as it was
11 presented.

12 Q. Well, let me ask you this: Who were you
13 being asked to rely on as far as telling you that
14 this information is accurate?

15 A. The chancellor, the chief financial
16 officer, a financial consultant, a consultant,
17 another consultant on governance and structure,
18 the finance committee. That was really, I would
19 say, the major voices who were assuring us that
20 this was complete and accurate.

21 Q. Okay. You mentioned a financial
22 consultant. Who was that?

23 A. I don't remember his name.

24 Q. Was it an independent third party?

1 A. Yes.

2 Q. Since you indicated you were put in a
3 position of relying on that information, have you
4 since, has anything come to your attention to
5 indicate that any of that information was indeed
6 inaccurate or misleading?

7 A. Again, I have only been -- I have only
8 heard that from people who would -- I'm no better
9 qualified to judge than I was then. So, again,
10 I'm taking the word of --

11 Q. Third parties?

12 A. Right. Whose interest would be different
13 from those who presented the data originally.

14 Q. Nobody has shown you, to put it another
15 way? In other words, you haven't had the data
16 shown to you or identified for you as being
17 inaccurate as opposed to people telling you?

18 A. Right. I guess I would say that I would
19 have to think very hard, I might be able to come
20 up with examples where I felt I had been shown.
21 But, I can't recall any now.

22 Q. Okay.

23 (A break was taken, and the deposition
24 continued as follows:)

1 BY MR. PRICE:

2 Q. Professor, let me next ask you, is it
3 accurate to state that the problem or what the
4 declaration of financial exigency and the
5 suspension of the college was intended to do was
6 to prevent the college from acting as a drain on
7 the other campuses run by the University?

8 MR. SLUTSKY: I'm going to object on the
9 grounds of ambiguity as to whose intent you are
10 asking about.

11 Q. I'm asking about her understanding. I
12 apologize if I used the --

13 A. My understanding of the board's intent
14 or of the intent of the resolution?

15 Q. The intent of the resolution?

16 A. Of the two resolutions?

17 Q. Yes.

18 A. That would certainly be part of it, yes.

19 Q. Okay. And how was it envisioned or what
20 was your understanding as to how the declaration
21 of financial exigency and shutting down Antioch
22 College for four years would address the overall
23 financial concerns?

24 A. It was my understanding that by closing,

1 by suspending operations, that there would be --
2 well, it was discussed in different ways. But,
3 there would be savings in terms of the physical
4 plant. There would be savings in terms of faculty
5 and staff salaries. There would be savings in
6 terms of the whole management of dorms, eating
7 hall, all the things for student life that are
8 required to be supplied. And in addition, there
9 was the sense that if energy to keep the college
10 open, keep it solvent, quasi solvent, sustain it
11 the way it was, were not draining the energy of
12 the chancellor, for example, that that energy
13 could be turned over productively to seeking
14 outside sources of funding in order to reopen the
15 college at a later date.

16 Q. In addition though to cutting all those
17 costs, it would also eliminate all of the revenue
18 that was connected with the college, correct?

19 A. If by revenue you mean tuition, alumni
20 donation.

21 Q. Financial aid.

22 A. Financial aid. Yes.

23 Q. I mean, I guess more specifically was it
24 your understanding there would still be costs

1 associated with even continuing to maintain the
2 campus and to continue just owning the physical
3 plant?

4 A. Yes, right.

5 Q. Correct? And those costs would continue
6 notwithstanding suspension, correct?

7 A. Yes, there seemed to be several
8 scenarios there also, in terms of how much would
9 be closed down. What kind of maintenance would be
10 needed. But, yes. So at varying levels of
11 financial committment.

12 Q. And there wouldn't be sufficient revenue
13 to cover those costs, I take it, with the
14 suspension?

15 A. It was my understanding that there would
16 not be.

17 Q. So the college would still be, although
18 closed, would still be operating in a deficit?

19 A. Yes.

20 Q. Okay.

21 A. Well, it wouldn't be the college any
22 more. It would still be costing something.

23 Q. If I could direct your attention to
24 Exhibit 8 in that notebook, it's a document dated

1 May 31, 2007, on Antioch University letterhead. I
2 think it is seven pages. But, it does not
3 indicate an author or anything. Did you see this
4 document in the course of your duties as a
5 trustee?

6 A. Not in this form. But this is, and I'm
7 not sure that at the meeting we saw this level of
8 detail, but certainly this is the power point
9 slides that we saw at the meeting were clearly
10 based upon this, and have some --

11 Q. Relationship?

12 A. Yes.

13 Q. But, now I note this document was dated
14 May 31st, was that about a week before the meeting
15 that you are referring to?

16 A. Yes.

17 Q. But, you do not believe that you saw a
18 copy of this document at the meeting?

19 A. Right. Yes.

20 Q. Since the meeting, have you seen a copy
21 of this document before today?

22 A. Not to my knowledge or recollection.

23 Q. If you could turn to page four there,
24 and specifically where it has scenario two,

1 suspend operations and planned reopening,
2 indicates there in the first sentence for a fixed
3 period of time, three years, okay.

4 And then it goes on to say all of the
5 previous actions related to closure would take
6 place, and that is referring to the previous
7 pages, up to the chancellor's appointment of a
8 commission.

9 A. Sorry, where is the chancellor's
10 appointment?

11 Q. I think if you look --

12 A. The first paragraph, sure.

13 Q. Okay. If you turn there, staying on
14 that page that you go down to July through August
15 of 2007, and it talks about chancellor and senior
16 management meets with village leaders to explore
17 land development company options, and design the
18 urban village concept of a lifelong learning
19 center and facilities of the college. Are you
20 familiar with what that is referring to?

21 A. Not exactly.

22 Q. Do you recall there being any discussion
23 at the board meeting about land development
24 companies?

1 A. It was vague. But, there was certainly
2 that private development company is the option as
3 the phrase that I remember. But, it could have
4 been land development company.

5 Q. Okay. Private development company?

6 A. Uh-huh.

7 Q. Then switching to that phrase, if that
8 is what you recall hearing, what do you recall
9 being discussed about a private development
10 company?

11 A. Well, there was an effort made by a
12 number of board members to attempt to get a sense
13 of what was going on here. And whether, I recall
14 that we were told that there were private
15 development companies that specialized in working
16 with education, higher education facilities. And
17 an effort was made on the part of some board
18 members to determine whether those were for-profit
19 or not-for-profit private companies. And what
20 their involvement in a project like this would be.
21 And what assurance there would be that whatever
22 they were involved in would end up being anything
23 like what was understood in June of 2007 as
24 Antioch College.

1 (A break was taken, and the deposition
2 continued as follows:)

3 BY MR. PRICE:

4 Q. Professor, I asked you a little bit
5 about the private development company in the
6 context of that step in July and August of 2007.
7 Are you aware of whether a private development
8 company has been engaged at some point?

9 A. No, I'm not aware.

10 Q. Okay. Have you heard anything further
11 about a private development company since that
12 meeting? Since the June 2007 meeting?

13 A. From any source whatsoever?

14 Q. Well, in your --

15 A. Or in the board meetings?

16 Q. Yes?

17 A. No.

18 Q. Okay. If I could ask you to turn to the
19 next page of that document, that would be page
20 five. And it's actually the last paragraph before
21 you get to year one. It says, if a land
22 development company, I note this is under June
23 30th, 2008, sort of the heading of items, but it
24 says if a land development company has not been

1 engaged the college would move towards permanent
2 closure. To your knowledge has a land development
3 company been engaged to date?

4 A. It was, when we left the meeting in June
5 '07, it was my understanding, and I can not
6 remember whether this was in one of the
7 resolutions or this was separate, but the trustees
8 wanted, there was basically a pretty clear
9 directive to the chancellor to begin identifying,
10 making contact with, moving forward on this, on
11 contacting people like this as soon as possible so
12 that we wouldn't get to the end of June '08
13 without any kind of something in the works.

14 Not having heard anything more about it,
15 one of the other committees may have been involved
16 in this, but to my knowledge we haven't. But I
17 would assume that from the time of the reunion on,
18 in other words two weeks after the meeting,
19 certainly by the Cincinnati meeting in August,
20 that the agenda was somewhat changed.

21 So, in other words, I would not be
22 surprised if no contact had been made because of
23 sort of attempting to go in a different direction.
24 But, it may have proceeded. I don't know.

1 Q. Let me ask you this: More specifically,
2 was it your understanding in June of 2007 that if
3 a land or a private development company could not
4 be identified and engaged, that the college would
5 just go ahead and proceed to permanent closure?

6 A. That was the where we left it, I
7 believe.

8 Q. That was part of the discussion you had
9 in June of 2007?

10 A. Yes. Let me just go back to that point.
11 A land development company was one option that was
12 presented as a source of income for this new
13 college to open. Okay. I mean, if someone had
14 said this is the greatest idea I've ever heard and
15 I'm going to give you 20 million dollars, that
16 would have been acceptable also.

17 Q. That wasn't the only possibility?

18 A. Yes.

19 Q. Okay.

20 A. That was the most realistic one that
21 seemed to be presented.

22 Q. Okay. I was just trying to understand,
23 at the time that that was presented and talked
24 about, was there a discussion of a sort of a time

1 line that if this doesn't materialize, we are
2 moving to permanent closure?

3 A. Yes.

4 Q. There was? Do you know if that deadline
5 and the deadline to move to permanent closure was
6 ever disclosed to the alumni or to the public?

7 A. I don't know. I don't know.

8 Q. If I could direct your attention to
9 Plaintiff's Exhibit 9, the next document there.
10 Are you familiar with this particular document?

11 A. I have seen this document before. But,
12 I am not certain at what point. I am pretty sure
13 that we didn't receive this in June.

14 Q. Okay.

15 A. So, I'm not sure at what point I saw
16 this.

17 Q. Okay. Fair enough. Do you have an
18 understanding as to what this is, or what the
19 purpose of this document is?

20 A. The University leadership in this
21 context is the team, the University leadership
22 council that the chancellor was working with to
23 come up with the whole plan of closure and
24 reopening; suspension and reopening.

1 Q. Right. But, I mean, was this a document
2 that was intended -- who was this given to, if you
3 know?

4 A. I don't know. And I'm not certain that
5 this was ever officially given to the board. I
6 just don't know.

7 Q. Okay. I think that is all the questions
8 I have about that document, Professor, but I do
9 have a few other things I wanted to cover.

10 Professor, who is Miss Grimes?

11 A. Risa Grimes.

12 Q. Who is Risa Grimes?

13 A. Risa Grimes is the director of
14 institutional advancement at Antioch College.

15 Q. What does she do as the director of
16 institutional advancement? What does that mean?

17 A. It means a person who is in charge of
18 fund raising and development.

19 Q. How long has she been in that position?

20 A. I think about three years. I'm not sure
21 that has been the exact title that she has had.

22 Q. Okay. Do you know her, have you met her
23 personally?

24 A. Yes.

1 Q. Okay. Did you know her before she took
2 over that position?

3 A. No.

4 Q. Okay. Have you been impressed with her
5 work in that position?

6 A. Yes.

7 Q. Okay. Let me ask you this: Has the
8 suspension of the college had an impact on her
9 work?

10 A. Yes.

11 Q. What impact has it had?

12 A. It has certainly made it more difficult
13 for her to do her job. Her status has been
14 unclear. Channels of reporting have been unclear.
15 And in fact although the board at several points,
16 for example, at the Cincinnati meeting, tried to
17 clarify her responsibilities, continuing
18 responsibilities, toward and for the college and
19 for its fund raising. It's not clear to me that
20 that has been able to be carried out, given this
21 current kind of ambiguous structure of is the
22 college open, is the college closing, is it
23 suspended, what is suspended, who is paying for
24 what, etc.

1 Q. Let me ask you this: Sort of integral,
2 or an important part of the plan for suspending
3 the college and reopening it was fund raising,
4 correct?

5 A. Yes.

6 Q. And I think even if you look at some of
7 the plans it talks about making a fund raising
8 effort to support the reopening of the college?

9 A. Uh-huh.

10 Q. Correct?

11 A. Uh-huh.

12 Q. Has the Antioch University
13 administration been supportive -- well, let me
14 step back. Miss Grimes would be a key person in
15 that effort, correct?

16 A. One would suppose.

17 Q. Okay. Has the administration been
18 supportive of her efforts to raise money?

19 MS. TRAFFORD: I object to that question
20 based upon any kind of foundation for her
21 knowledge of what the administration would be
22 doing in that area.

23 Q. Okay. You can still answer.

24 A. It is my understanding that -- what was

1 the question again?

2 (At this point the court reporter read
3 the requested portion of the record.)

4 A. It is my understanding they have not.

5 Q. How have they not been supportive?

6 A. There has been, there have been several,
7 well, at least two, I would say, notices of
8 termination issued to her. I'm not sure I'm using
9 the right phrase, but that her position would be
10 terminated. There has been at least one employee
11 interjected into her operation as her superior.

12 Q. Who is that?

13 A. A woman named Linda Surk. Her credit
14 cards were canceled so that she couldn't make
15 flights to go visit donors. The rooms that she
16 had reserved for an alumni event were canceled
17 behind her back without her knowledge.

18 MS. TRAFFORD: Objection, I think this is
19 just getting into pretty gross hearsay at this
20 point without any foundation.

21 Q. It's a deposition, it's not a hearing.
22 I'm allowed to ask.

23 MS. TRAFFORD: I know, and I'm allowed to
24 make my objections.

1 Q. All right. That's fine. Go ahead.

2 A. That was kind of up until, at a number
3 of points there were efforts to achieve clarity
4 about what she would be doing and what the -- or
5 what the office of institutional advancement would
6 be doing, and who would be paying for it. And
7 what the alumni relations office would be doing,
8 and who would be paying for that position.

9 And that I can't sort out myself at all.
10 So, I don't know why it hasn't been a more placid
11 arrangement because it seemed as though to me it
12 should have been quite simple, that she would be
13 kept on for these, actually both offices would be
14 kept on as in support of this initiative.

15 Q. Okay. Dr. Treichler, what is the source
16 of your information regarding what has been going
17 on with Miss Grimes?

18 A. I have talked with her directly on
19 numerous occasions. She is one of the key people
20 in an initiative that I'm part of to revitalize
21 theater at Antioch College. And has met with a
22 group that includes the Antioch College for John
23 Lithgo's sister, a number of other people who have
24 been involved in Antioch theater. Louise Smith,

1 who is chair of the theater department at Antioch
2 College. And so on those occasions I've learned
3 something of what she has told me.

4 Then I have also had reports from third
5 parties who were involved in one or another of
6 these events on campus, like when the locks were
7 changed on the offices of institutional
8 advancement and alumni relations.

9 Q. Is that where she worked? Miss Grimes
10 worked in those --

11 A. Institutional advancement, yes.

12 Q. Dr. Treichler, were you aware of a
13 request by President Laury in 2007 to increase
14 funding for the college from the endowment?

15 A. This would have been from, for example,
16 from the dry funds or --

17 Q. It's my understanding that he was
18 talking about increasing the share of the earnings
19 that went to the Antioch College.

20 A. It may have come up. I was not -- I
21 don't recall being personally aware of it.

22 Q. Okay. Dr. Treichler, are you aware of
23 the fact that there has been a proposal made by
24 the Antioch College Continuation Corporation with

1 respect to the future of Antioch College?

2 A. Yes.

3 Q. Let me ask you this: As far as the
4 details of that proposal, are you subject to a
5 confidentiality agreement?

6 A. Yes.

7 Q. Without getting, well, and that
8 confidentiality agreement precludes you from
9 testifying about these matters?

10 MR. SLUTSKY: Can we go off the record
11 for a moment?

12 Q. We can.

13 (At this point there was an off the
14 record discussion.)

15 BY MR. PRICE:

16 Q. My first question is foundational. And
17 that is, are you familiar with the terms of a
18 proposal that has been received by the University
19 from ACCC?

20 A. It's ambiguous when you say a proposal.
21 There have been exchanges.

22 Q. There have been exchanges. Is there a
23 most recent proposal that you are aware of?

24 A. Yes.

1 Q. Are you familiar with the terms of that
2 proposal?

3 A. Yes.

4 Q. The current, shall we call it the
5 current proposal?

6 A. Sure.

7 MS. TRAFFORD: This is the current
8 proposal from ACCC to Antioch University?

9 A. Yes.

10 Q. Fair enough. Do you regard that
11 proposal as realistic as far as moving forward for
12 Antioch College?

13 A. Yes.

14 Q. Do you believe that that proposal is
15 less drastic than suspending operations at Antioch
16 College for the next three to four years?

17 MS. TRAFFORD: Objection.

18 MR. SLUTSKY: I also object at least to
19 the extent that there may be a confidentiality
20 agreement as to the terms which could be revealed
21 by asking for a comparison with something else.
22 And to the extent that I have not seen that
23 document, and can't advise Dr. Treichler as to the
24 extent to which it may affect her right to

1 disclose that, or the consequences if she does. I
2 object to that, at least to the form of the
3 question, which might elicit that information.

4 Q. Fair enough.

5 MR. SLUTSKY: Could we have that question
6 again.

7 (At this point the court reporter read
8 the requested portion of the record.)

9 MS. TRAFFORD: Objection.

10 MR. SLUTSKY: I need to confer with Dr.
11 Treichler.

12 (A break was taken, and the deposition
13 continued as follows:)

14 MR. SLUTSKY: Could we have the question
15 again.

16 (At this point the court reporter read
17 the requested portion of the record.)

18 MR. SLUTSKY: Let me just inquire for
19 counsel for the University whether in your view
20 the answer to that question would violate any
21 confidentiality provision that the trustees have
22 agreed to?

23 MS. TRAFFORD: I don't believe so. That
24 wasn't the basis of my objection.

1 Q. Fair enough.

2 A. I believe it would be less drastic.

3 Q. Okay. That's all the questions I have.

4 Thank you very much.

5 MS. TRAFFORD: I have just a few just to
6 clarify.

7 EXAMINATION BY

8 MS. TRAFFORD:

9 Q. Earlier, Professor, when plaintiff's
10 counsel was discussing with you the June '07
11 meeting where the different alternatives were
12 considered, and I think you indicated that you
13 didn't agree with the adoption of what was called
14 alternative number three, which was suspending the
15 operations with a reopening. I believe you
16 testified you did not disagree, or you did not
17 agree -- you did disagree with that decision?

18 A. I did disagree, yes.

19 Q. I assume there was some discussion at
20 the board meeting about the various options before
21 there was a decision made?

22 A. Yes.

23 Q. And did you have an opportunity to, at
24 that board meeting, to speak out about any

1 concerns you had?

2 A. Yes.

3 Q. So you participated in that discussion?

4 A. Yes.

5 Q. Presumably you let other board members
6 know you didn't agree?

7 A. Yes.

8 Q. And you were given an opportunity to
9 explain why you didn't agree?

10 A. Yes.

11 Q. And then is it fair to say that other
12 board members simply didn't agree with you?

13 A. Yes.

14 Q. Okay. You also indicated, we were
15 talking with counsel about the distrust that some
16 of the alumni had. And as I understood what you
17 were saying, that you put it in the time frame of
18 that alumni since the seventies had felt some
19 alienation, and you indicated that had something
20 to do with the structure of creating the
21 University structure in 1978? Do you recall that
22 testimony?

23 A. Yes.

24 Q. What I was trying to understand, are the

1 alumni then who are alienated are the ones who
2 were there previous to 1978 before there was a
3 University?

4 A. It includes, the alienated alumni
5 include that, those cohorts. Yes. I mean, not
6 all alumni are alienated. Of those who are, some
7 predate the University. Yes.

8 Q. Okay. And certainly the ones, to the
9 extent alumni feel alienated because of the
10 University structure, that would be the alumni
11 that were there, that predate the University
12 structure then, because the ones that came after
13 would have been in the University structure?

14 A. No. The alienated alumni also include
15 all of the cohorts that have been there since the
16 University was created also.

17 Q. So, it wasn't your testimony then that
18 the creation of the University structure, was that
19 the motivating factor for the alumni alienation?

20 A. I don't think I said that precisely. I
21 think I said that the creation of the University
22 in 1978 did nothing to remediate the alienation
23 that had begun in the 1970s.

24 Q. All right. So, it was something that

1 predated the University structure?

2 A. Yes.

3 Q. You indicated not all alumni feel
4 alienated?

5 A. Right.

6 Q. Some smaller group of alumni?

7 A. Well, I couldn't judge which is the
8 larger group.

9 Q. Okay. Have there been discussions
10 during your tenure as a board member about
11 concerns about how to get the alumni more back on
12 track with the college?

13 A. Yes.

14 Q. And so this would be identified as a
15 concern?

16 A. Yes.

17 Q. Of you as the trustees?

18 A. Yes.

19 Q. Okay. And presumably did they discuss
20 different ways to try to involve the alumni more?

21 MR. SLUTSKY: Objection as to what do you
22 mean by "they"?

23 Q. Trustees, sorry. Have there been
24 discussions at trustees' meetings about attempting

1 to improve relations with alumni?

2 A. Yes.

3 Q. And did those discussions predate the
4 June 2007 meeting?

5 A. Yes.

6 Q. When we were looking at Exhibit No. 2,
7 the declaration of financial exigency, and counsel
8 asked you a series of questions about whether you
9 agreed with certain statements in there or not.
10 And one of the statements counsel asked you about
11 was whether the options had been exhausted. And I
12 believe you indicated you disagreed with that
13 characterization. Again, as a member of the
14 board, to the extent you had disagreements with
15 what other trustees were proposing, you had the
16 opportunity to express those disagreements?

17 A. Yes.

18 Q. And to the extent that, not just the
19 board, but if the chancellor came and had
20 proposals to make and you disagreed, you were
21 given the opportunity to discuss those decisions?

22 A. Yes.

23 Q. As I understand it the structure, there
24 are various committees of the board and different

1 trustees sit on different committees?

2 A. Uh-huh.

3 Q. Which committees did you sit on during
4 the time frame 2002 through 2007?

5 A. I'm on the -- I've been on the academic
6 affairs committee throughout that period. I was
7 on physical facilities, and then when the
8 communication committee was created two years ago
9 I went on to that committee instead of physical
10 facilities. Then I was also on a task force to
11 examine the University structure, and on something
12 else that I don't recall.

13 Q. What was the function of the
14 communications committee?

15 A. It was to attempt to achieve a unified
16 voice, a brand, a logo, something that would
17 create a visible widely understood symbol and
18 meaning for the whole University and each of its
19 campuses.

20 Q. Did you chair that committee?

21 A. No.

22 Q. Did that committee have any linkage to
23 the idea of reaching out to alumni as well? Was
24 that part of the function?

1 A. Not so much.

2 Q. I take it you never served on the
3 finance committee?

4 A. No.

5 Q. And would it be true that the different
6 committees would meet separately from the full
7 board?

8 A. At times. And sometimes they met as
9 committees of the whole. And the whole board
10 would meet.

11 Q. Would it be fair to say then that
12 sometimes --

13 A. And I'm on development. Did I say that?
14 I'm still on development.

15 Q. When the committees meet, would they get
16 access to information that would be provided to
17 the committees?

18 A. Yes.

19 Q. And would it be possible then that some
20 of the members of the different committees might
21 have access to either more or different
22 information that might make its way to the full
23 board?

24 A. Yes.

1 Q. And would the committees give reports to
2 the board?

3 A. Yes.

4 Q. So could it be an occasion where the
5 committee might have had access to more
6 information, distill that, then made a report to
7 the full board?

8 A. Yes.

9 Q. You mentioned you were on the
10 development committee. What was the function of
11 that committee?

12 A. That committee looks at fund raising,
13 trustee giving, it acknowledges gifts. It has
14 been attempting to design a form for giving that
15 all of the trustees could use to check off and
16 send in a single check to one office. And then it
17 would get distributed different ways. It looked
18 at ways to increase giving and getting. I mean,
19 it really is the kind of institutional advancement
20 committee.

21 Q. And how long were you on that committee?

22 A. I think since probably my second year on
23 the board. So like 2003.

24 Q. When you were testifying earlier you

1 mentioned some concern about somebody may have not
2 done the best job they could have in terms of this
3 idea of having the trustees go out with a staff
4 person.

5 A. Yeah.

6 Q. To meet with alumni to raise money?

7 A. Right.

8 Q. Would that have been one of the
9 functions that the development committee would
10 oversee?

11 A. I'm not sure that oversee would have
12 been quite the right word.

13 Q. Okay.

14 A. That outside consulting firm kind of ran
15 the show. Ketchum, I think it was. They would
16 come in and do power point presentations. They
17 set up a training program and so forth. The
18 development committee was not particularly
19 involved with that.

20 Q. But as a member of the development
21 committee, and a member of the board, did you
22 raise your concerns with the consultant that this
23 part of the program wasn't being implemented?

24 A. The consultant was gone by the time my

1 concerns were clear.

2 Q. Okay. And did you raise your concerns
3 with the board itself?

4 A. When there was occasion to do that, I
5 certainly asked what happened to that plan.

6 Q. And were you given an answer?

7 A. It went away.

8 Q. Okay. And did you do anything to
9 initiate an alternative to that program?

10 MR. SLUTSKY: Objection, are you
11 referring to her personally or the committee?

12 Q. Her personally.

13 A. I don't think so. I don't think I could
14 claim that. I certainly presented ideas or raised
15 issues. But, no.

16 Q. And when you raised issues, that was at
17 the board meeting?

18 A. Board meeting or development committee
19 meeting.

20 Q. And did other members of the board or
21 the development committee disagree with you?

22 A. No.

23 Q. Let me ask if -- let's look at the
24 development committee. If the development

1 committee agreed with you, that it would be a good
2 idea for the trustees to go out and do more alumni
3 fund raising, either with a staff person or
4 without, was there a consensus on the development
5 committee that that would be a good idea?

6 A. I think in theory, yes. Everyone
7 thought it would be a good idea.

8 Q. Then why didn't they do it?

9 A. Because the staff that would have been
10 needed to coordinate that was not in place at the
11 time that -- I don't know quite how to express
12 this, I have to say. I've mentioned again and
13 again the lack of staff, turnover in staff. One
14 of the reasons that I respect Risa Grimes so much
15 was because in all of the years since I graduated
16 from Antioch College she is the only development
17 person who has ever come to Champaign to visit me
18 to talk to me about my family connections, to talk
19 to me about who I know, who I might visit, how
20 that might be coordinated.

21 But, it seems to me that at each point
22 something could actually have been gotten
23 underway, something else would happen. Like a
24 crisis of finances so that Ketchum would have to

1 be let go. Then we would start to get another
2 initiative like the campaign cabinet, then
3 something else would come up and we have to let it
4 go. And the same thing happened just at the time
5 that Risa Grimes and her office would have been
6 actually able to mobilize someone like me on
7 behalf of raising money for Antioch College came
8 June 2007.

9 So, I'm not saying that it's anyone's
10 fault. It's just very difficult to get an idea
11 and make it work in that setting.

12 Q. And in my understanding the reason it
13 was difficult was because there wasn't enough
14 resources to fund the staff to support those
15 initiatives?

16 A. That was certainly part of it.

17 Q. And what was the other part of it?

18 A. The alienated alumni. You can't just do
19 one visit or a post card and get back 30 years of
20 relationships that weren't built.

21 Q. Counsel had a series of questions
22 regarding the president's appeal to the University
23 Leadership Council. Do you remember those
24 questions?

1 A. I'm not sure that he said to the
2 University Leadership Council. But --

3 Q. Let me phrase it this way. There was a
4 president's appeal to keep the college open?

5 A. Right.

6 Q. In June of '07?

7 A. I think he asked me whether I had heard
8 that appeal, whether I knew about it.

9 Q. Right.

10 A. And I answered no.

11 Q. And I believe you said that, is this
12 President Laury we are talking about?

13 A. Yes.

14 Q. And President Laury was never given the
15 opportunity to present his appeal to the board?

16 A. To the board, right.

17 Q. And do you know, did someone make a
18 conscious decision to tell President Laury you
19 can't present that to the board?

20 A. I don't know. I have no knowledge of
21 that.

22 Q. So you know it wasn't presented to the
23 board?

24 A. Yes.

1 Q. But, you don't know why it wasn't
2 presented to the board, is that right?

3 A. Right. But at some point during that
4 June board meeting we did learn that there had
5 been a plan, and that we were not to hear it. And
6 I can't quite -- I really can't recall how that
7 was made known to us.

8 Q. Was President Laury there at the
9 meeting?

10 A. Yes, he was.

11 Q. And did you ask him well, President
12 Laury, I'd like to hear what your plan is?

13 A. I didn't. But several trustees did.

14 Q. And what did President Laury say?

15 A. He said I'm not in a position to present
16 it. I have withdrawn my plan.

17 Q. He had withdrawn his plan?

18 A. I think that was roughly the language he
19 used.

20 Q. I don't have any other questions. Thank
21 you, Professor.

22 EXAMINATION BY

23 MR. PRICE:

24 Q. Just a few follow-up questions. Dr.

1 Treichler, we talked again about alienation a
2 little bit. What would be the single best thing
3 that the University could do to address the
4 alienation of the Antioch College alumni?

5 MS. TRAFFORD: Are you asking at this
6 point in time?

7 Q. Yeah. Or a year ago.

8 MR. SLUTSKY: Then it's a compound
9 question.

10 MS. TRAFFORD: This is why I wanted to
11 get a time frame.

12 Q. We will start June last year.

13 A. You don't want me to say announce that
14 they are going to shut down the college, do you?
15 That is that joke that everyone makes. And there
16 is a whole back story that it was all a plan to
17 galvanize the alumni.

18 Q. Okay.

19 A. But asking it in a very straight and
20 serious way, what single thing could have been
21 done?

22 Q. To address the alienation of the alumni.

23 A. I think it's almost impossible to answer
24 that question as of this date to go back then and

1 think what would have done it. I mean, if they
2 had announced we are going to close the college,
3 what do you think? We are thinking of closing the
4 college, what do you think? I have no way to
5 predict what kind of responses there would have
6 been.

7 Q. Fair enough. Let me rephrase my
8 question. What is, moving to today, rather than
9 sort of stepping back to '06, focusing on today,
10 what could the college, what in your view could
11 the University do, that would best address the
12 alienation that so many of the alumni feel towards
13 the college?

14 A. The alienation that is felt in March '08
15 is not necessarily identical to what was felt in
16 June '07. Okay. So, just clarifying that. But,
17 if your question is, to reengage the alumni, I
18 think it would be to embrace the current proposal
19 that is before us. And make it well known. And
20 be part of it. And be a partner to that
21 initiative.

22 Q. You also were asked a number of
23 questions about the functioning of the board and
24 the different committees. Is there an executive

1 committee of the board?

2 A. Yes.

3 Q. How does that function with respect to
4 the whole board?

5 A. The previous chair of the board, Dan
6 Kaplan, felt very strongly that the executive
7 committee should not be the decision making center
8 of the board. That the whole board should be
9 informed. I would say actually the executive
10 committee now also does as conscientious a job as
11 it's probably possible to do to keep the board
12 informed of what factors it's been presented with,
13 what factors it's taken into account in making its
14 recommendations. The last, I mean since June '07
15 really nothing has been really business as usual.
16 And so the executive committee has had, I mean
17 they are under intense pressure in a way worse
18 than the board as a whole. They have to be very
19 quick to respond. They have to respond the right
20 way. They have to have numerous conference calls.
21 And I think they have done their best under those
22 circumstances to keep us informed of most major
23 developments.

24 Q. What about before June of 2007?

1 MR. SLUTSKY: Objection. What, what
2 about? What are you referring to?

3 Q. The functioning of the board and the
4 executive committee. How did they function before
5 June of '07 together?

6 A. Well, I'm not sure what aspect of it you
7 want me to address. I mean, I think they are well
8 intentioned people. I think, I mean they
9 functioned as, they would get together, they would
10 deal with things. They would inform us. Or they
11 would bring things to us to make decisions about.
12 So, what's changed really, I would say is that the
13 pace, the stakes of making a faltering, of making
14 a bad decision, of not informing us of something
15 that we should have been informed of.

16 Q. Fair enough. No further questions.

17 MS. TRAFFORD: All done.

18 MR. SLUTSKY: We will reserve signature.

19 MR. PRICE: We are ordering it on an
20 expedited basis. We talked yesterday, as a
21 realistic proposition if we are going to have this
22 hearing on April 1st, witnesses are not going to
23 be able to read their transcripts. And therefore,
24 obviously subject to the court's approval, I am

1 fine with people using depositions that haven't
2 been read, as long as the witness, if confronted
3 with specific testimony, is given an opportunity
4 to, if they desire to say this isn't accurate. Is
5 that fair? So that's the best we can do.

6 MR. SLUTSKY: Well, that may be in terms
7 of the hearing next week. But, to the extent that
8 the litigation goes beyond next week, I still
9 reserve signature. And I would also request that
10 to the extent that the questions concerned certain
11 of the exhibits, that they be provided along with
12 the transcript, so that in reviewing them Dr.
13 Treichler can make sense of them.

14 MR. PRICE: You are welcome to keep that
15 copy.

16 MR. GROVES: Can the court reporter keep
17 the original so it will follow the transcript when
18 she gets to review it?

19 MR. PRICE: The original is the same
20 original I was going to use at the hearing, so the
21 only concern I will have is whether I will have it
22 by the hearing.

23 MR. SLUTSKY: The original transcript?

24 MR. PRICE: These exhibits.

1 MS. TRAFFORD: I think that is all right.

2 We all have a set. We will be fine.

3 (Deposition adjourned.)

4 (Signature reserved.)

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1 STATE OF ILLINOIS)
) SS
2 COUNTY OF CHAMPAIGN)

3 I, DEANN K. PARKINSON, a Notary Public
4 in and for the County of Champaign State of
5 Illinois, do hereby certify that PAULA TREICHLER,
6 the deponent herein, was by me first duly sworn to
7 tell the truth, the whole truth and nothing but
8 the truth in the aforementioned cause of action.

9 That the foregoing deposition was taken
10 on behalf of the Plaintiff on March 27th, 2008.

11 That said deposition was taken down in
12 stenographic notes and afterwards reduced to
13 typewriting under my instruction and said
14 transcription is a true record of the testimony
15 given; and that it was agreed by and between the
16 witness and attorneys that said signature on said
17 deposition would be not waived.

18 I do hereby certify that I am a
19 disinterested person in this cause of action; that
20 I am not a relative of any party or any attorney
21 of record in this cause, or an attorney for any
22 party herein, or otherwise interested in the event
23 of this action, and am not in the employ of the
24 attorneys for either party.

In witness whereof, I have hereunto set
my hand and affixed my notarial seal March 28th,
2008.

DEANN K. PARKINSON, CSR
NOTARY PUBLIC

"OFFICIAL SEAL"
DEANN K. PARKINSON
Notary Public, State of Illinois
My Commission Expires 11-16-08