

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION NO. I
CASE NO. 07-CI-1765

UNIVERSITY OF LOUISVILLE

PLAINTIFF

v.

**DUKE UNIVERSITY'S ANSWERS TO
THE UNIVERSITY OF LOUISVILLE'S FIRST SET OF
INTERROGATORIES, REQUESTS FOR ADMISSIONS AND
REQUESTS FOR PRODUCTION OF DOCUMENTS**

DUKE UNIVERSITY

DEFENDANT

Comes now Defendant, Duke University ("Duke"), by counsel, and for its Responses to the University of Louisville's ("Plaintiff") First Set of Interrogatories, Requests for Admissions and Requests for Production of Documents (the "Requests"), states as follows:

GENERAL OBJECTIONS

1. Duke objects to the Requests to the extent they seek information and/or documents which are irrelevant and which will not lead to the discovery of admissible evidence.
2. Duke objects to the Requests to the extent they are not restricted to a relevant time frame.
3. Duke objects to the Requests to the extent they seek information and documents protected from disclosure by the attorney-client privilege or work-product doctrine.
4. Duke objects to the Requests to the extent they are overly broad and unduly burdensome.
5. Duke objects to the Requests to the extent they are vague and ambiguous.

6. Duke objects to the Requests to the extent they seek information and/or documents already in the possession of Plaintiff or its counsel, and/or which can be obtained as easily by Plaintiff or its counsel as by Duke and its counsel.

7. Duke reserves all rights to object to the competency, relevancy, materiality and/or admissibility of the information and/or documents disclosed in response to the Requests.

8. Each of the foregoing General Objections is incorporated by reference into each Answer and/or Response to each Request as though set forth fully therein.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1: List all college varsity football teams (as that term is used in the Agreement) considered by Duke to be a "team of similar stature" to Duke.

ANSWER: Objection. This Interrogatory is vague and overly broad. Without waiving these objections or the foregoing General Objections, Duke states that any and all college varsity football teams in the Football Bowl Subdivision (formerly Division I-A) are teams of a "similar stature" to Duke, as that term is used in the Agreement and as that term is understood in the context of college football programs. Additionally, Duke states that any and all college varsity football teams in the Football Championship Subdivision (formerly Division I-AA) that would be considered as good or better than Duke in football, including but not limited to, any Football Championship Subdivision teams the Plaintiff played, or has agreed to play, in the ten years prior to signing the Agreement and the ten years after signing the Agreement are teams of a "similar stature" to Duke, as that term is used in the Agreement and as that term is understood in the context of college football programs. As is made clear by the Agreement, junior varsity programs of any of the aforementioned teams would not be teams of a "similar stature" to Duke's varsity college football team.

VERIFICATION

This is to verify that Duke University's Answers to University of Louisville's First Set of Interrogatories, Requests for Admissions and Requests for Production of Documents are true and correct to the best of my knowledge, information and belief.

Kate S. Hendricks

KATE S HENDRICKS
DEPUTY UNIVERSITY COUNSEL

STATE OF North Carolina

COUNTY OF Durham

Subscribed, sworn to and acknowledged before me by Kate S. Hendricks on this
the 2nd day of January, 2008.

My commission expires: June 10, 2009

[Seal]

Tracy Q. Chelms
Notary Public, State At Large