

1 Exhibit 1 - Issues Index Accompanying Privacy Motion

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3 As part of its Motion, Petitioner submits that in order to collaboratively accomplish the framework
4 contemplated by the Tentative Ruling particularly as it relates to asserted privacy rights and how they
5 relate to asserted FERPA rights, it will be helpful to the Court and to Petitioner that Respondent provide
6 specific and straightforward representations and clarifications as part of its Response on the following
7 points, and if Respondent declines, then the Court should order that Respondent makes such
8 representations or clarifications:

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- 10 a) All of the responsive documents found so far related to Agu and withheld on FERPA or privacy
11 grounds, or any other grounds, have been disclosed.
 - 12 b) Responsive documents not barred by any applicable exemption will be promptly disclosed to
13 Petitioner as they come to light based on Respondent's internal searches.
 - 14 c) No additional responsive documents as they come to light related to Agu or any incidents involving
15 Agu will be withheld on FERPA grounds.
 - 16 d) No additional responsive documents as they come to light related to Agu or any incidents involving
17 Agu will be withheld on privacy grounds.
 - 18 e) At a minimum, Respondent confirms that any additional responsive documents related to Agu will be
19 listed on a Vaughn Index or on a Privilege Log.
 - 20 f) When no FERPA rights are asserted to withhold responsive documents related to any students, such as
21 Hinnant or Hale, Respondent does not contend that the assertion of privacy rights only will bar listing
22 the documents on a Vaughn Index.
 - 23 g) In averring in its Motion for a Protective Order that "The Regents is not withholding law enforcement
24 unit records from Petitioner on the grounds that they are protected by FERPA", Respondent intended to
25 aver that Respondent was withholding the 141-page campus police report on some ground other than
26 FERPA
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1 h) Respondent contends that as to the main CPRA request that is the subject of this Petition, the Agu
2 Settlement Agreement was previously withheld because Respondent believed it was protected under
3 FERPA.
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5 i) Respondent contends that as to the main CPRA request that is the subject of this Petition, the Agu
6 Settlement Agreement was previously withheld because Responsive believed it was not responsive to a
7 request seeking documents related to Ted Agu or to the incident in which he died.

8 j) Of the 83 pages related to Agu recently disclosed by Respondent to Petitioner (Gordet Declaration)
9 many of the pages do not reference or otherwise mention Ted Agu or any other student, for example, the
10 two pages submitted as Exhibit 4 to the Gordet Declaration, so a page like Exhibit 4 was not withheld
11 based on FERPA rights or privacy rights, and authorization from the Agu family was not required.
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