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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

**BRANDON AUSTIN,**

Plaintiff,

v.

**UNIVERSITY OF OREGON; SANDY WEINTRAUB; CHICORA MARTIN; ROBIN HOLMES; and MICHAEL R. GOTTFREDSON,** all in their individual capacities only,

Defendants.

**DOMINIC ARTIS and DAMYEAN DOTSON,**

Plaintiffs,

v.

**UNIVERSITY OF OREGON; SANDY WEINTRAUB; CHICORA MARTIN; ROBIN HOLMES; and MICHAEL R. GOTTFREDSON,**

Defendants.

Case No.: 6:15-cv-02257-MC (Lead Case)

Case No.: 6:16-cv-00647-MC (Member Case)

DECLARATION OF MICHELLE BARTON SMIGEL IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS THIRD AMENDED COMPLAINT AND MEMORANDUM IN SUPPORT

I, Michelle Barton Smigel, hereby declare as follows:

1. I am one of the attorneys for defendants University of Oregon, Sandy Weintraub, Chicora Martin, Robin Holmes, and Michael R. Gottfredson. I make this declaration on personal knowledge or from sources deemed reliable. I am competent to testify with respect to the matters set forth below.

2. Attached as Exhibit A is a redacted copy of the police report published by *The Oregonian* at [http://media.oregonlive.com/ducks\\_impact/other/14-04131.pdf](http://media.oregonlive.com/ducks_impact/other/14-04131.pdf).

3. Attached as Exhibit B is a copy of a statement from the Lane County District Attorney's office published on or around May 6, 2014 by *The Oregonian* at [http://www.oregonlive.com/articles/12851522/lane\\_county\\_district\\_attorney.amp](http://www.oregonlive.com/articles/12851522/lane_county_district_attorney.amp).

4. Attached as Exhibit C is a copy of a statement from the complainant published on or around June 5, 2014 by *The Daily Emerald* at <http://dailymerald.com/2014/06/05/sexual-assault-survivor-releases-statement-to-uo/> and now available at <https://web.archive.org/web/20140701174356/http://dailymerald.com/2014/06/05/sexual-assault-survivor-releases-statement-to-uo/>.

Pursuant to 28 USC § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 2<sup>nd</sup> day of December, 2016, in Portland, Oregon.

s/Michelle Barton Smigel

I hereby certify that I served the foregoing Declaration of Michelle Barton Smigel  
in Support of Defendants' Motion to Dismiss and Memorandum in Support on:

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by the following indicated method or methods on the date set forth below:

- CM/ECF system transmission.**
- E-mail.** (Courtesy copy.)
- Facsimile communication device.**
- First-class mail, postage prepaid.**
- Hand-delivery.**
- Overnight courier, delivery prepaid.**

DATED this 2<sup>nd</sup> day of December, 2016.

s/Michelle Barton Smigel  
Michelle Barton Smigel, OSB No. 045530

*Of Attorneys for Defendants*