

Exhibit D

From: Del Kolde <dkolde@ifs.org>
Sent: Thursday, February 8, 2024 5:08 PM
To: Barake, Gabriela
Cc: Nathan Ristuccia; Dow, Matt; Courtney Corbello; Michael Lovins; Glover, Joel
Subject: RE: Lowery v Mills | Custodians

****RECEIVED FROM EXTERNAL SENDER – USE CAUTION****

Yes, we are in agreement on the listed RFPs and custodians. For completeness, the search terms referenced in my Feb. 6 email are:

“Civitas”
“Liberty Institute”
“Lowery” and common misspellings for Lowery, such as “Lowry” “Lowrey” and “Lowr”
“Carlos”
“Carvalho”
“libertarian”
“right wing”
“Romanov”
“Hanania”
“our friend”
“Richard” within 10 words of “podcast” or “tweet”

For the self-searches we would want some written confirmation from each custodian that they conducted the searches so that there is accountability – I have rec’d this in other similar cases. We expect the self-searches to cover not just email but text-messages and messaging apps (Signal, iMessage), if any.

We agree that we will only ask for targeted follow-up searched based on newly uncovered evidence.

My understanding of the phrase “The above searches are subject to the Court’s rulings on Tuesday” in your email below is that UT is not agreeing to this search and collection plan at this time, but waiting to see what the Court rules at the Feb. 13 hearing. If so, the joint report should reflect that there is no clear agreement on this yet.

Thanks.

Del Kolde
Senior Attorney
Institute for Free Speech

From: Barake, Gabriela <gbarake@jw.com>
Sent: Thursday, February 8, 2024 13:53
To: Del Kolde <dkolde@ifs.org>
Cc: Nathan Ristuccia <nristuccia@ifs.org>; Dow, Matt <mdow@jw.com>; Courtney Corbello <ccorbello@ifs.org>; Michael Lovins <michael@lovinslaw.com>; Glover, Joel <jglover@jw.com>
Subject: Lowery v Mills | Custodians

Mr. Kolde,

Based on our call, we are providing the list of names identified in RFP 1, 5, 7, 9, 18 to confirm the universe of custodians. From these custodians, we agree to search their UT mail account and instruct them to search their personal devices and personal email accounts for items related to Lowery's speech that hit on the search terms you listed in the attached email from Feb 6.

- Jay Hartzell
- Lillian Mills
- Ethan Burris
- Sheridan Titman
- Nancy Brazzil
- Meeta Kothare
- Justin Dyer
- Richard Flores
- Laura Starks
- Kelly Kamm
- Andres Almazan
- Alti Aydogan

The above searches are subject to the Court's rulings on Tuesday but, once complete, you agree these searches would satisfy Defendants' obligations under RFP 1, 5, 7, 9, and 18. You do not anticipate having to go back to these custodians unless there is production of a document that necessitates follow up, and in that situation, you would do a targeted follow-up request.

If I misunderstood or misinterpreted any of the information or agreements above, please let me know.

Thanks,

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