

Exhibit F

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RICHARD LOWERY,)
Plaintiff,)
vs.) Case Number
) AU:23-CV-00129-DAE
LILLIAN MILLS, In her official,) Austin, Texas
capacity as Dean of the McCombs)
School of Business at the)
University of Texas, Austin, Et Al,)
Defendants.) August 31, 2023

TRANSCRIPT OF MOTION HEARING
BEFORE THE HONORABLE DAVID A. EZRA
SENIOR UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

FOR THE PLAINTIFF:

Endel Kolde, Esquire
Michael E. Lovins, Esquire
Courtney Corbello, Esquire
Institute for Free Speech
1150 Connecticut Avenue, NW, Suite 801
Washington, D.C. 20036
(202) 301-1664; dkolde@ifs.org

FOR THE DEFENDANT:

Joel R. Glover, Esquire
Adam W. Aston, Esquire
Javier Gonzalez, Esquire
Jackson Walker, LLP
1401 McKinney, Suite 1900
Houston, Texas 77010
(713) 752-4226; jglover@jw.com

COURT REPORTER:

Angela M. Hailey, CSR, CRR, RPR, RMR
Official Court Reporter, U.S.D.C.
262 West Nueva Street
San Antonio, Texas 78207
Phone (210) 244-5048; angela_hailey@txwd.uscourts.gov

Proceedings reported by stenotype, transcript produced by
computer-aided transcription.

1 MR. KOLDE: They could certainly try.

2 THE COURT: See, there you go.

3 MR. KOLDE: They could certainly try. I think that
4 that suit would not be successful.

5 THE COURT: It may or may not be, but I think that
6 there are points where, you know, I think there's a line
7 everywhere. I think that if you start -- if he was to call
8 someone a thief or suggest they were stealing University money,
9 that's actionable. Just ask Rudy Giuliani. He just lost a
10 case where he accused people, two poll workers of doing the
11 very same thing in federal court and he just lost that case,
12 and rightfully so.

13 MR. KOLDE: I think, Your Honor, if those statements
14 are taken out of context without an opportunity for Dr. Lowery
15 to explain why he stated those opinions --

16 THE COURT: Yeah, but you can't call people thieves
17 and, you know, you can't suggest they're stealing money from
18 the university system or embezzling money from the university
19 system and not -- I'm not saying that it amounts to a crime,
20 because I don't think it's a crime. I think that it might
21 amount to a civil action. I don't know that it's protected
22 First Amendment to accuse somebody. That was Giuliani's
23 initial argument and he lost that, and rightfully so. You
24 can't accuse somebody of stealing or being a thief and then
25 expect that to be protected by the First Amendment.

M O T I O N H E A R I N G

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

* * * * *

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

Date signed: September 21, 2023

/s/ Angela M. Hailey

Angela M. Hailey, CSR, CRR, RPR, RMR
Official Court Reporter
262 West Nueva Street
San Antonio, Texas 78207
(210) 244-5048