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February 9, 2018

VIA EMAIL

William A. Forsyth, Esq.
Laura Moody, Esq.
Christina M. Grossi, Esq.
State of Michigan
Department of the Attorney General
P.O. Box 30212
Lansing, Michigan 48909

RE: Information Request to Michigan State University

Dear Counselors:

We received the letter from Christina Grossi dated February 6, 2018, which clarified and expanded upon the information requests to Michigan State University (“MSU”) first set forth in the January 27, 2018 letter from Special Independent Counsel William A. Forsyth and Michigan Attorney General Bill Schuette to the MSU Board of Trustees (the “Request”). We look forward to working with you to facilitate the efficient production of information and materials responsive to the Request.

As you know, on February 5, 2018, we produced approximately 25,000 pages of material constituting Dean William Strampel’s electronic calendar entries. Further, today we will be producing approximately 20,000 pages of material, which include: (1) MSU Office of Institutional Equity (“OIE”) and Office of Inclusion and Intercultural Initiatives (“I3”) investigatory files relating to Larry Nassar and/or other MSU employees; (2) certain personnel files; (3) MSU Health Team policies; (4) MSU relationship violence and sexual misconduct policies; (5) certain organizational charts; and (6) a collection of materials that MSU has produced in

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response to Michigan Freedom of Information Act (“FOIA”) requests related to Nassar, through August 3, 2017. The FOIA responses include, among other items, various information responsive to your Request and we are providing these readily available materials in order to expedite your receipt of relevant information.

We are diligently working to collect and produce additional material responsive to the Request and, pursuant to the understanding reached during our February 5, 2018 meeting with Ms. Moody and Ms. Grossi, will produce it to you as soon as possible, on a rolling basis. As we discussed during our meeting, the email and text message communications of over 20 custodians, in particular, are quite voluminous and will take us at least several weeks to review for responsiveness to the Request. I understand that Ms. Grossi has already been in contact with my partner, Amy Van Gelder, who will facilitate prioritization of the review and production of this material in a way that is acceptable to your office.

As we mentioned during our February 5 meeting, MSU is obligated by law to maintain the confidentiality of student educational records pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (“FERPA”). Likewise, the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936 (“HIPAA”), obligates MSU to maintain the confidentiality of protected health information. As such, our productions today and going forward will include redactions to protect individuals’ federal privacy rights. We will endeavor to denote FERPA-related redactions with a personally identifiable information or “PII” notation on the face of the redaction. To the extent that you require any of the HIPAA- or FERPA-redacted information in order to complete your review, we will work cooperatively with you to make all reasonable attempts to provide it in compliance with the law.

Finally, I understand that Mr. Forsyth and Ms. Moody conversed with my partner, Al Hogan, on February 7, 2018, regarding how we can effectively provide you with all pertinent facts regarding this matter consistent with our ethical duties to our client. We welcome the opportunity to meet with you again soon to continue this conversation.

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We look forward to working with you toward a satisfactory resolution of this inquiry and stand ready to assist in any way we can.

Very truly yours,

Pat Fitzgerald

cc: Scott Eldridge, Esq.