

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF LYNCHBURG

JENNA DODGE, et als,)
)
 Plaintiffs,)
)
 v.) Case No. CL07-1917
)
 RANDOLPH COLLEGE,)
)
 Defendant.)

**PLAINTIFFS' OBJECTIONS AND ANSWERS TO
DEFENDANT'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS**

Plaintiffs, by counsel, states as follows for their Objections and Answers to
Defendant's First Set of Interrogatories and Requests for Production of Documents:

GENERAL OBJECTIONS

Plaintiffs provide the following General Objections to Defendant's Interrogatories
and Requests for Production of Documents ("Discovery Requests"). Each General Objection is
hereby expressly incorporated by reference in Plaintiffs' responses to each individual Discovery
Request. To the extent Plaintiffs provide information in response to any Discovery Request,
Plaintiffs do so subject to and without waiving any of these General Objections. Plaintiffs reserve
the right to assert additional objections, and to amend their responses to these Discovery Requests
at any time. Finally, Plaintiffs reserve the right to object to the use of any of its responses to these
Discovery Requests at trial, or at any other proceeding.

1. Plaintiffs object to these Discovery Requests to the extent they seek documents or
information that may be protected by the attorney-client privilege, the attorney work product
doctrine, the joint defense privilege, or any other applicable privilege.

2. Plaintiffs object to these Discovery Requests to the extent they are overly broad, unduly burdensome and not limited to the discovery of information that is relevant in this matter or is reasonably calculated to lead to the discovery of admissible evidence.

3. Plaintiffs further object to the Discovery Requests to the extent they purport to impose any obligation(s) upon it beyond those imposed by the Virginia Supreme Court Rules and/or any other applicable law.

4. Plaintiffs object to these Discovery Requests to the extent they seek information already in Defendant's knowledge, possession or control, published books or articles, or any other information and/or documents to which Defendant has equal access.

5. With respect to electronic records, Plaintiffs will produce those relevant electronic mail notes and other documents or attachments that are currently accessible in the electronic mail accounts of individual Plaintiffs. Plaintiffs object to producing other electronic records and/or information, including for example, hard drives of individual Plaintiff's computers, on the grounds that it is unduly burdensome to do so, and such records would contain voluminous information that is neither relevant to this lawsuit, nor reasonably calculated to lead to the discovery of admissible evidence, together with confidential information and information protected by the attorney-client privilege and/or work product doctrine.

6. Plaintiffs object to these Discovery Requests, to the extent that they seek information or documents unrelated to Plaintiffs' claims and Defendant's defenses thereto, on grounds that such information is not relevant to the subject matter of these actions and not reasonably calculated to lead to the discovery of admissible evidence in this action.

7. Except for facts expressly admitted in these responses, no incidental or implied admissions are intended hereby. The fact that Plaintiffs have answered or objected to any

Discovery Request or any part thereof should not be taken as an admission or acceptance by of any facts set forth or assumed by such request, or that such response or objection constitutes admissible evidence. The fact that Plaintiffs have answered all or part of any Interrogatory or Request for Production is not intended as, and shall not be construed to be, a waiver of any objection thereto.

8. Each response is subject to all objections as to competence, relevance, materiality, propriety and admissibility, and any and all other objections on grounds that would require the exclusion of any statement contained herein if made by any witness present and testifying in court. All such objections and grounds are reserved and will be interposed at the time of trial.

9. Plaintiffs reserve the right to supplement and/or amend its responses to these Discovery Requests if/when new or different responsive information is located.

SPECIFIC OBJECTIONS AND ANSWERS TO INTERROGATORIES

1. State all facts and identify all documents that support the allegations in the Complaint, and the Amended Complaint when it is filed.

ANSWER:

Plaintiffs object on the grounds that this interrogatory is overly broad and unduly burdensome, seeks information and documents already in the College's control and seeks information contained in pleadings already filed by Plaintiffs. Without waiving and subject to the foregoing objection and general objections, Plaintiffs state as follows:

See allegations in their Complaint and Amended Complaint, along with the exhibits thereto; see also the Motion for Leave to Intervene and exhibits thereto in Randolph College v. SunTrust Bank, et al., CL07001745-00; see also the documents posted on the website of Preserve Educational Choice, Inc. ("PEC"), <http://www.preserveeducationalchoice.org>; see also the documents produced in response to requests for production of documents.

2. Identify and describe in detail all the reasons you believe the College does not have the legal right to sell each of the Four Paintings.

ANSWER:

Plaintiffs object on the grounds that this interrogatory requests information protected by the attorney-client and work product privileges, seeks information and documents already in the College's control and seeks information provided in pleadings already filed by Plaintiffs. Without waiving and subject to the foregoing objection and general objections, Plaintiffs state as follows:

See allegations in Plaintiffs' Complaint and Amended Complaint, along with the exhibits thereto; see also Plaintiffs' Brief in Opposition to Defendant's Demurrer and the transcript of the November 8, 2007, hearing on Defendant's Demurrer; see also the Motion for Leave to Intervene and exhibits thereto in Randolph College v. SunTrust Bank, et al., CL07001745-00; see also the pleadings and briefs filed in the charitable trust case now pending in the Virginia Supreme Court (Dodge v. Trustees of Randolph-Macon Woman's College, CL 06000894-00); see also the website of Preserve Educational Choice, Inc. ("PEC"), <http://www.preserveeducationalchoice.org>.

3. State all facts and identify all documents you believe support the proposition that the Four Paintings are subject to legally recognized restrictions that would prevent the College from selling or sharing any or all of them. For each of the Four Paintings, identify the specific restriction, including its terms and conditions, the person or persons who imposed the restriction, the date of the restriction and any documents containing or reflecting the restriction.

ANSWER:

Plaintiffs object on the grounds that this interrogatory seeks information and documents already in the College's control and seeks information provided in the pleadings already filed by Plaintiffs. Without waiving and subject to the foregoing General objections, Plaintiffs state as follows:

See allegations in Plaintiffs' Complaint and Amended Complaint, along with the exhibits thereto; see also Plaintiffs' Brief in Opposition to Defendant's Demurrer and the transcript of the November 8, 2007, hearing on Defendant's Demurrer; see also the Motion for Leave to Intervene and exhibits thereto in Randolph College v. SunTrust Bank, et al., CL07001745-00; see also the pleadings and briefs filed in the charitable trust case now pending in the Virginia Supreme Court (Dodge v. Trustees of Randolph-Macon Woman's College, CL 06000894-00); see also the documents posted on the website of Preserve Educational Choice, Inc. ("PEC"), <http://www.preserveeducationalchoice.org>; see also the documents produced in response to requests for production of documents.

4. Identify all persons known or believed by you, or anyone acting on your behalf, to have any knowledge or information relevant to the subject matter of this litigation, and provide a summary of the anticipated knowledge or information.

ANSWER:

Without waiving and subject to the foregoing General objections, Plaintiffs state as follows:

Plaintiffs

Diane Montgomery

Anne Yastremski

Carol Curcio Lang, Treasurer

Madeline E. Miller

Chantel Sheaks

Karol Lawson

Chris Burnley

President Klein

Each member of the Board of Trustees of Randolph College

Each individual who testified at the November 8, 2007, hearing on Defendant's Demurrer and Plaintiffs' motion for a temporary injunction

See also allegations in Plaintiffs' Complaint and Amended Complaint, along with the exhibits thereto; see also Plaintiffs' Brief in Opposition to Defendant's Demurrer and the transcript of the November 8, 2007, hearing on Defendant's Demurrer; see also the Motion for Leave to Intervene and exhibits thereto in Randolph College v. SunTrust Bank, et al., CL07001745-00; see also the pleadings and briefs filed in the charitable trust case now pending in the Virginia Supreme Court (Dodge v. Trustees of Randolph-Macon Woman's College, CL 06000894-00) and the documents produced in response to requests for production of documents.

5. Identify each person whom you expect to call to testify as a witness at trial and/or with regard to any pre-trial motion. For each lay or fact witness, provide a description of anticipated testimony; and, for each expert witness, provide a description of the subject matter of the expert's testimony; the substance of the facts and opinions on which each expert is expected to testify; a list of learned treatises or other documents relied upon by the expert with regard to such facts and opinions; a summary of grounds for each opinion; and a current copy of the expert's curriculum vitae.

ANSWER:

Plaintiffs have not yet identified who they expect to call as lay, fact or expert witnesses call at trial or with respect to any pre-trial motion. If and when Plaintiffs identify such witnesses they will supplement their response to this interrogatory as required by the Rules of the Supreme Court of Virginia.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. All documents that support the allegations in the Complaint, and the Amended Complaint when it is filed.

RESPONSE:

Without waiving and subject to the foregoing general objections, Plaintiffs state as follows:

See Plaintiffs' Complaint and Amended Complaint, along with the exhibits thereto; see also Plaintiffs' Brief in Opposition to Defendant's Demurrer and the transcript of the November 8, 2007, hearing on Defendant's Demurrer; see also the Motion for Leave to Intervene and exhibits thereto in Randolph College v. SunTrust Bank, et al., CL07001745-00; see also the pleadings and briefs filed in the charitable trust case now pending in the Virginia Supreme Court (Dodge v. Trustees of Randolph-Macon Woman's College, CL 06000894-00); see also the documents posted on the website of Preserve Educational Choice, Inc. ("PEC"), <http://www.preserveeducationalchoice.org>.

Plaintiffs assume that Defendant has copies of the above documents and does not need additional copies.

Additional responsive documents in Plaintiffs' possession not subject to the attorney-client or work product privilege are being produced herewith. Plaintiffs reserve the right to produce additional documents responsive to this request, should such documents be identified in the course of this litigation.

2. All documents restricting, or reflecting restrictions on, the College's ability to sell or share the Four Paintings.

RESPONSE:

Without waiving and subject to the foregoing general objections, Plaintiffs state as follows:

See Plaintiffs' Complaint and Amended Complaint, along with the exhibits thereto; see also Plaintiffs' Brief in Opposition to Defendant's Demurrer and the transcript of the November 8, 2007, hearing on Defendant's Demurrer; see also the Motion for Leave to Intervene and exhibits thereto in Randolph College v. SunTrust Bank, et al., CL07001745-00; see also the pleadings and briefs filed in the charitable trust case now pending in the Virginia Supreme Court (Dodge v. Trustees of Randolph-Macon Woman's College, CL 06000894-00); see also the documents posted on the website of Preserve Educational Choice, Inc. ("PEC"), <http://www.preserveeducationalchoice.org>.

Plaintiffs assume that Defendant has copies of the above documents and does not need additional copies.

Additional responsive documents in Plaintiffs' possession not subject to the attorney-client or work product privilege are being produced herewith. Plaintiffs reserve the right to produce additional documents responsive to this request, should such documents be identified in the course of this litigation.

3. All documents relied upon by you in responding to any of the foregoing interrogatories, including but not limited to, any documents identified by you in response to any of the foregoing interrogatories.

RESPONSE:

Without waiving and subject to the foregoing general objections, Plaintiffs state as follows:

See Plaintiffs' Complaint and Amended Complaint, along with the exhibits thereto; see also Plaintiffs' Brief in Opposition to Defendant's Demurrer and the transcript of the November 8, 2007, hearing on Defendant's Demurrer; see also the Motion for Leave to Intervene and exhibits thereto in Randolph College v. SunTrust Bank, et al., CL07001745-00; see also the pleadings and briefs filed in the charitable trust case now pending in the Virginia Supreme Court (Dodge v. Trustees of Randolph-Macon Woman's College, CL 06000894-00).; see also the documents posted on the website of Preserve Educational Choice, Inc. ("PEC"), <http://www.preserveeducationalchoice.org>.

Plaintiffs assume that Defendant has copies of the above documents and does not need additional copies.

Additional responsive documents in Plaintiffs' possession not subject to the attorney-client or work product privilege are being produced herewith. Plaintiffs reserve the right to produce additional documents responsive to this request, should such documents be identified in the course of this litigation.

4. For any experts you intend to call as witnesses at trial: (a) all reports and documents referred to, relied upon, or generated by such experts, (b) his or her curriculum vitae or resume, (c) all documents, items or things furnished by you, your attorney or anyone acting on your

behalf to such experts, (d) all documents, items or things relied upon or consulted by any such experts in connection with formulating his or her opinions, and (e) all reports prepared in whole or in part, including drafts of such reports, by such experts.

RESPONSE:

Without waiving and subject to the foregoing general objections, Plaintiffs state as follows:

Plaintiffs have not yet identified who they expect to call as expert witnesses at trial or with respect to any pre-trial motion. If and when Plaintiffs identify such expert(s) they will supplement their response to this document request as required by the Rules of the Supreme Court of Virginia.

5. If any documents are being withheld because of a claimed privilege, please provide a privilege log identifying and describing each document so that the propriety of the claim or privilege can be evaluated.

RESPONSE:

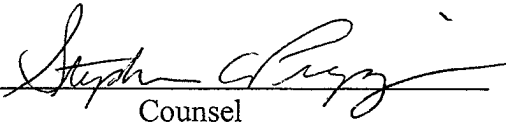
PRIVILEGE LOG

1. All counsel notes and memoranda;
2. All communications between counsel and clients (Plaintiffs and PEC);
3. All communications between Plaintiffs and PEC;
4. All communications between Plaintiffs' counsel and expert and/or potential expert witnesses;

5. Legal research performed by Plaintiffs' counsel;
6. Historical research performed by Plaintiffs' counsel;
7. Plaintiffs' counsel's investigative materials;
8. Drafts of any of the above.

Plaintiffs are in the process of creating a more detailed privilege log, which will be provided by agreement of counsel at a mutually agreeable time and place.

JENNA DODGE ET AL., PLAINTIFFS

By: 
Counsel

William H. Hurd, Esquire (VSB # 16769)
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of January, 2008, a true copy of the foregoing was sent by hand-delivery to the following:

Richard Cullen, Esquire
Gilbert E. Schill, Jr., Esquire
Dennis I. Belcher, Esquire
Brian E. Pumphrey, Esquire
McGUIRE WOODS LLP
One James Center
901 East Cary Street
Richmond, Virginia 23219
Facsimile: (804) 775-1061

And by first-class mail, postage pre-paid to the following:

Bernard C. Baldwin III, Esquire
John M. Perry, Jr., Esquire
EDMUNDS & WILLIAMS, P.C.
828 Main Street, 19th Floor
Lynchburg, Virginia 24504
Facsimile: (804) 846-0337

Counsel for Randolph College

A handwritten signature in cursive script, appearing to read "Stephen Perry", is written over a horizontal line.

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