

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION

THE NATIONAL ASSOCIATION OF )  
BOARDS OF PHARMACY, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
THE BOARD OF REGENTS OF THE )  
UNIVERSITY SYSTEM OF GEORGIA )  
and FLYNN WARREN, JR., )  
 )  
Defendants. )  
\_\_\_\_\_ )

CIVIL ACTION NO.: 3:07-CV-84 (CDL)

**FILED UNDER SEAL**

**DECLARATION OF JILL WHITT**

1. I, Jill Whitt, am over twenty-one years of age, am competent to give this declaration, and do hereby declare the following statement to be true of my own knowledge, information and belief.

2. I am a paralegal at the law firm of Smith, Gambrell & Russell, LLP in Atlanta, Georgia, and have held this position since August of 2006.

3. On August 6, 2007, I accompanied counsel for Plaintiff to the University of Georgia in Athens ("University") for the purpose of impounding that data and those documents and things within the scope of paragraph 1 of the Temporary Restraining Order and Seizure and Impoundment Order ("Order"), which were believed to be in Mr. Flynn Warren's office, on Mr. Warren's computer(s) as well as in documents and on disks located elsewhere in the School of

Pharmacy building. We were joined by a Deputy U.S. Marshal and a Deputy Clarke County Sheriff for the impoundment.

4. We first went to the Office of Legal Affairs for the University located on the campus where we spoke with Susan Wells, Associate Director of the University Office of Legal Affairs, and presented her with a copy of the Temporary Restraining Order and Seizure and Impoundment Order (“Order”). We invited Ms. Wells and Ms. Wells accepted our invitation to accompany us to the office of Flynn Warren, Jr. so that she could be present for any impoundment.

5. Ms. Wells led us to the School of Pharmacy building where she consulted with and then introduced us to the Dean who took us and Ms. Wells to Mr. Warren’s office. Rodgers Lunsford and Ms. Wells entered Mr. Warren’s office, and Mr. Lunsford presented the Order to Mr. Warren and explained that we were there to impound the data and materials within the scope of paragraph 1 of the Order. Mr. Warren’s office was quite small, so only Mr. Warren, Mr. Lunsford and Ms. Wells were able to fit in the office comfortably. The Deputy U.S. Marshal and I observed their actions in the office from each side of the doorway and the Deputy Sheriff observed from the hallway wall directly across from Mr. Warren’s office.

6. Mr. Warren accessed his computer and provided those computer files titled “2005 Board Reviews,” “006 Board Reviews,” and “2007 Board Reviews.” After initially stating that he did not believe he had relevant emails, at Mr. Lunsford’s insistence, Mr. Warren opened his Inbox, which contained approximately 880 emails. Mr. Warren reviewed some 380 emails with Mr. Lunsford and forwarded over 100 of such emails to Mr. Lunsford’s computer. At some point during this process, Arthur Leed, Associate Director of the Office of Legal Affairs,

replaced Ms. Wells. After approximately one hour, and with about 500 more emails to review, Mr. Lunsford suggested that we examine course materials he understood were on the 4<sup>th</sup> floor. Mr. Warren and Mr. Leed took us to the fourth floor of the building and showed us two rooms, room 401 and 408, that contained such course materials. Mr. Warren, Mr. Lunsford, Mr. Leed and the U.S. Marshal returned to Mr. Warren's office to continue the review and capture of emails, and I and the Deputy Sheriff remained on the 4<sup>th</sup> floor.

7. In the presence of the Deputy Sheriff, I went through stacks of documents and CDs that were on a table in Room 408. I impounded 1 CD entitled "Law Review 2007," 2 CDs entitled "Naplex Review 2007," 11 packets of documents entitled "Pharmaceutics and A Review of Calculations and Total Parenteral Nutrition . . . 2007," and 13 packets of documents entitled "Pharmacy Examination Review Test." Thereafter, we proceeded to Room 401 where I impounded 131 CDs entitled "Law Review 2007," 32 CDs entitled "Naplex Review," 20 packets of documents entitled "Pharmaceutics and A Review of Calculations and Total Parenteral Nutrition . . . 2007," and 20 packets of documents entitled "Pharmacy Examination Review Test." Materials not impounded were left neatly on the tables or in the boxes or envelopes in the rooms in which I found them. In total, I retrieved 2 boxes of paper documents and one box containing a total of 166 CDs. One of each of the two packets of impounded documents and impounded CDs were left with Mr. Leed.

8. After completing the search on the fourth floor, the Deputy Sheriff and I returned downstairs to Mr. Warren's office. We were told by the U.S. Marshal that, in order to save time, the IT Department was creating a disk containing all of Mr. Warren's emails and that Mr. Warren had left the building in order to meet Todd Williams, Melissa Bedsole and a second

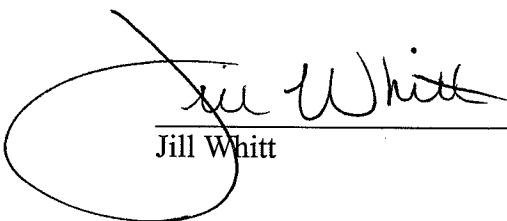
Deputy Marshall and an Oconee County Deputy Sheriff at his home. The IT Department provided us and Mr. Leed with a disk of Mr. Warren's emails. Mr. Warren had stated that he did not keep copies of sent emails on his computer, and none were located. Mr. Leed agreed for the IT Department to search computer servers for such emails.

9. After completing the impoundment, the Deputy Sheriff returned to his office, and we and the Deputy Marshall went to the Courthouse to meet the group returning from Mr. Warren's residence. Because Todd Williams and Melissa Bedsole located a volume of data on Mr. Warren's home computer after Mr. Warren had told Mr. Lunsford that none was there, we returned to inspect Mr. Warren's laptop at Mr. Warren's office. Mr. Warren had returned to his office, he complied with our request to inspect his laptop, but no data within the scope of paragraph 1 of the Order was found. At this point, we left the University and returned to Atlanta.

10. Early in our return trip to Atlanta, Mr. Lunsford received a telephone call from Mr. Leed in which Mr. Leed informed Mr. Lunsford that Plaintiff had issued an announcement of the litigation and impoundment. Mr. Lunsford expressed surprise, requested that Mr. Leed send him a copy of the announcement, and stated he would review the same, speak with Plaintiff and would thereafter speak again with Mr. Leed.

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

Date: 8-14-07

  
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Jill Whitt