

Exhibit 1

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

Case No. 3:15-cv-00023-GEC

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NICOLE P. ERAMO,

Plaintiff,

vs.

ROLLING STONE LLC, SABRINA RUBIN ERDELY
and WENNER MEDIA,

Defendants.

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Videotaped deposition of SABRINA RUBIN
ERDELY, was held at the Law Offices of DAVIS WRIGHT
TREMAINE, LLP, 1251 Avenue of the Americas, New
York, New York, commencing May 12, 2016, 10:04 a.m.,
on the above date, before Amanda McCredo, a Court
Reporter and Notary Public in the State of New York.

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<p>1 APPEARANCES: 2 CLARE LOCKE, LLP 3 Attorneys for Plaintiff 4 902 Prince Street 5 Alexandria, Virginia 22314 6 BY: LIBBY LOCKE, ESQUIRE 7 ANDY PHILLIPS, ESQUIRE 8 TOM CLARE, ESQUIRE 9 libby@clarelocke.com 10 andy@clarelocke.com 11 tom@clarelocke.com 12 (202)628-7404 13 14 15 DAVIS WRIGHT TREMAINE, LLP 16 Attorneys for Defendants 17 1251 Avenue of the Americas 18 New York, New York 10020 19 BY: ELIZABETH McNAMARA, ESQUIRE 20 lizmcnamara@dwt.com 21 (212)603-6437 22 23 MANATT, PHELPS & PHILLIPS, LLP 24 Attorneys for Sabrina Rubin Erdely 25 1050 Connecticut Avenue, NW Suite 600 Washington, D.C. 20036 BY: BEN CHEW, ESQUIRE bchew@manatt.com (202)585-6511 21 ALSO PRESENT: 22 Nicole Eramo 23 Natalie Krodel - general counsel of Wenner Media 24 Jenny Lazo 25 Jim Brady- videographer</p> <p style="text-align: right;">[Page 2]</p>	<p>1 by a Notary Public of the State of New 2 York, was examined and testified as 3 follows: 4 EXAMINATION BY 5 MS. LOCKE: 6 Q Ms. Erdely, we met a few moments ago, and 7 I represent the plaintiff, Dean Nicole Eramo. 8 Today I'm going to be asking you questions as part 9 of your deposition. 10 Can you start by stating your name and 11 address for the record? 12 A Sabrina Rubin Erdely. [REDACTED] 13 [REDACTED] 14 Q Have you ever been deposed before, 15 Ms. Erdely? 16 A Never. 17 Q Okay. So, I want to explain some rules of 18 the road for today, to make today to go as easily 19 as possible for you and for me. 20 My job today is to ask you questions that 21 you can hear and that you can understand; is that 22 fair? 23 A Yes. 24 Q Your job today is to answer those 25 questions as fully and as truthfully as you can;</p> <p style="text-align: right;">[Page 4]</p>
<p>1 2 THE VIDEOGRAPHER: This begins the 3 videotaped deposition of Sabrina Rubin Erdely, 4 taken by the plaintiffs, in the matter of Eramo 5 versus Rolling Stone filed in the U.S. District 6 Court, Western District of Virginia. 7 Today's deposition is being held at Davis 8 Wright, 1251 Sixth Avenue, New York, New York. 9 My name is Jim Brady, I'm the videographer. 10 And today's court reporter is Amanda McCredo. 11 We are both with U.S. Legal Support. 12 May I have the attorneys please introduce 13 themselves and for the court reporter to swear 14 in the witness. 15 MS. LOCKE: Libby Locke on behalf of 16 plaintiff Dean Eramo, here with Andy Phillips 17 and Tom Clare, all from the law firm of Clare 18 Locke, LLP. 19 MS. McNAMARA: Elizabeth McNamara, on 20 behalf of the defendants. And I'm here with 21 Ben Chew, who also represents the defendant, 22 Sabrina Rubin Erdely. As well as Natalie 23 Krodel and Jenny Lazo from Wenner Media. 24 S A B R I N A R U B I N E R D E L Y, the witness 25 herein, after having been first duly sworn</p> <p style="text-align: right;">[Page 3]</p>	<p>1 is that fair? 2 A Yes. 3 Q I'm going to assume, if you answer the 4 question, that you heard me and you understood the 5 question; is that fair? 6 A Yes. 7 Q If at any point during the day today, if 8 you would like to take a break, that's fine with 9 me, just let me know. The only thing that I'll 10 ask is that, if there is a question that's 11 pending, that you answer the question before we 12 break; is that fair? 13 A Yes. 14 Q Because the court reporter is taking 15 everything down that you and I both say, I will 16 extend you the courtesy to allow you to finish 17 your answer, and if you could extend me the 18 courtesy of allowing me to finish my question so 19 we don't talk over each other; is that fair? 20 A Of course. 21 Q One other thing, if you have a memory or 22 if something I say jogs your memory at any point 23 in the day and you want to change your testimony 24 or go back and modify or add something, just let 25 me know, and I'd be happy to give you that</p> <p style="text-align: right;">[Page 5]</p>

<p>1 opportunity.</p> <p>2 Okay?</p> <p>3 A Okay.</p> <p>4 Q Ms. Erdely, you're a contributing editor</p> <p>5 at Rolling Stone; is that correct?</p> <p>6 A Yes.</p> <p>7 Q How long have you been a contributing</p> <p>8 editor at Rolling Stone?</p> <p>9 A I started writing for Rolling Stone in</p> <p>10 2008, but I believe -- but they gave me the title</p> <p>11 of contributing editor in 2010.</p> <p>12 Q What was your title before 2010 with</p> <p>13 Rolling Stone?</p> <p>14 A I had no title. I was a freelancer.</p> <p>15 Q And before you began writing for Rolling</p> <p>16 Stone in 2008, were you a journalist?</p> <p>17 A Yes.</p> <p>18 Q And tell me what other positions you held</p> <p>19 which -- with whatever other media entities.</p> <p>20 A For many years, I was a staff member at</p> <p>21 Philadelphia Magazine. I held many various</p> <p>22 positions there, ending with senior writer.</p> <p>23 From there, I became a freelancer, and I</p> <p>24 had contracts with various national magazines.</p> <p>25 But I was always -- after I left Philadelphia</p> <p style="text-align: right;">[Page 6]</p>	<p>1 Q You can answer the question.</p> <p>2 A Can you rephrase the question?</p> <p>3 Q Is ensuring that you're following high</p> <p>4 ethical standards in your capacity as an</p> <p>5 experienced journalist in writing articles for</p> <p>6 Rolling Stone one of your job responsibilities?</p> <p>7 MS. McNAMARA: Same objection. Lack of</p> <p>8 foundation.</p> <p>9 A A journalist's job is to report out a</p> <p>10 story as completely as they can. And I consider</p> <p>11 that part of the job responsibility in writing for</p> <p>12 Rolling Stone or any publication.</p> <p>13 Q Do you think you have high ethical</p> <p>14 standards in your capacity as an experienced</p> <p>15 journalist?</p> <p>16 A I do.</p> <p>17 Q Do you consider that one of your job</p> <p>18 responsibilities, to bring those high ethical</p> <p>19 standards to your work?</p> <p>20 MS. McNAMARA: Same objection. Lack of</p> <p>21 foundation.</p> <p>22 A I consider it an aspect of the job, yes.</p> <p>23 Q I'm going to hand you what's been marked</p> <p>24 as Plaintiff's Exhibit 29.</p> <p>25 (Independent Contractor)</p> <p style="text-align: right;">[Page 8]</p>
<p>1 Magazine, I was always an independent contractor.</p> <p>2 Q When did you begin your work with</p> <p>3 Philadelphia Magazine?</p> <p>4 A Not long after my graduation in May of</p> <p>5 1994.</p> <p>6 Q So, it's fair to say that you've been a</p> <p>7 journalist since May of 1994?</p> <p>8 A Yes.</p> <p>9 Q Do you consider yourself an experienced</p> <p>10 journalist?</p> <p>11 A Yes.</p> <p>12 Q Is ensuring the factual accuracy of an</p> <p>13 article that you write for Rolling Stone one of</p> <p>14 your job responsibilities, Ms. Erdely?</p> <p>15 A Yes. I always report out the facts as</p> <p>16 well as I can. And I'm grateful that there is a</p> <p>17 fact-checking department to help me in that.</p> <p>18 Q Is ensuring that Rolling Stone -- strike</p> <p>19 that.</p> <p>20 Is ensuring that you're following high</p> <p>21 ethical standards for journalism part of your job</p> <p>22 responsibility as a contributing editor at Rolling</p> <p>23 Stone?</p> <p>24 MS. McNAMARA: Objection. Lack of</p> <p>25 foundation.</p> <p style="text-align: right;">[Page 7]</p>	<p>1 Agreement Bates stamped RS001099</p> <p>2 through 1106 was referenced as</p> <p>3 Plaintiff's Exhibit 29.)</p> <p>4 Q Plaintiff's Exhibit 29 is your independent</p> <p>5 contractor agreement with Rolling Stone. The</p> <p>6 numbers down in the bottom right-hand corner are</p> <p>7 called Bates numbers. This begins with "RS."</p> <p>8 Do you see that?</p> <p>9 A Yes.</p> <p>10 Q I represent that means that Rolling Stone</p> <p>11 has produced this document in this case to you.</p> <p>12 If the Bates begins with "Eramo," that</p> <p>13 means that Dean Eramo produced the document.</p> <p>14 "UVa" means that UVa produced the document, just</p> <p>15 so you understand.</p> <p>16 If you can turn to Bates number ending in</p> <p>17 1106. I direct your attention to where it says</p> <p>18 "Contractor authorized signature."</p> <p>19 Is that your signature, Ms. Erdely?</p> <p>20 A Yes, it is.</p> <p>21 Q And did you sign this on 4/9/14?</p> <p>22 A Yes, I did.</p> <p>23 Q Turn back to Bates 1100. In particular, I</p> <p>24 would like you to review Section 3, [REDACTED]</p> <p>25 [REDACTED] If you could read that section to</p> <p style="text-align: right;">[Page 9]</p>

<p>1 yourself and let me know when you're finished.</p> <p>2 A (Perusing document.)</p> <p>3 You wanted me to read just Section 3?</p> <p>4 Q Yes.</p> <p>5 Are you done?</p> <p>6 A Yes.</p> <p>7 Q [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 MR. CHEW: Objection to the extent it</p> <p>14 purports to call for a legal conclusion.</p> <p>15 A [REDACTED]</p> <p>16 Q [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 A [REDACTED]</p> <p>20 Q [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 A [REDACTED]</p> <p>24 Q If you could turn your attention to the</p> <p>25 very next page, Bates 1101, the section that says,</p> <p style="text-align: right;">[Page 10]</p>	<p>1 1104. And I would like to direct your attention</p> <p>2 to Section 9, [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]h.</p> <p>6 A (Perusing document.)</p> <p>7 Okay.</p> <p>8 Q [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 MR. CHEW: Objection.</p> <p>11 A [REDACTED]</p> <p>12 Q [REDACTED]</p> <p>13 A [REDACTED]</p> <p>14 Q If you could direct your attention to</p> <p>15 Section 10, [REDACTED] and read the first two</p> <p>16 sentences in the first section.</p> <p>17 A (Perusing document.)</p> <p>18 Q Actually, let me strike that. No need to</p> <p>19 finish with that.</p> <p>20 I direct your attention to</p> <p>21 [REDACTED] Section 11.</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p> <p style="text-align: right;">[Page 12]</p>
<p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED] I'm sorry, that's the third to last</p> <p>7 sentence. And then it goes on, [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 Do you understand that Rolling Stone [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 MR. CHEW: Again, object to the extent it</p> <p>15 calls for a legal conclusion.</p> <p>16 A [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 Q [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 A [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 Q If you could turn your attention to Bates</p> <p style="text-align: right;">[Page 11]</p>	<p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 A [REDACTED]</p> <p>12 MS. McNAMARA: Objection to the</p> <p>13 mischaracterization of the document.</p> <p>14 MR. CHEW: And objection to the extent</p> <p>15 that it purports to call for a legal conclusion</p> <p>16 from a nonlawyer. And I would also caution the</p> <p>17 witness not to disclose any communications</p> <p>18 between yourself and any of your counsel.</p> <p>19 Q I hand you what's been marked as</p> <p>20 Plaintiff's Exhibit 89.</p> <p>21 (Pitch for "A Rape on Campus"</p> <p>22 was referenced as Plaintiff's</p> <p>23 Exhibit 89.)</p> <p>24 MS. McNAMARA: You're not asking for an</p> <p>25 answer to that question?</p> <p style="text-align: right;">[Page 13]</p>

[4] (Pages 10 to 13)

<p>1 MS. LOCKE: I think she already answered 2 it. 3 MS. McNAMARA: I don't think she did, but 4 we can move on, that's fine. There was no 5 answer. We objected and there was no answer. 6 MS. LOCKE: You can look at the 7 transcript. There was. 8 Q Exhibit 89 is what I understand to be your 9 pitch for "A Rape on Campus"; is that correct? 10 A Yes. 11 Q When was this written? 12 A Some months before I began working on the 13 article. I can't remember specifically. 14 Q Do you have a season and a year? 15 A Yes. It would have been in the early -- 16 it would have been early in 2014. 17 Q And you wrote this? 18 A Yes. 19 Q Is it a fair summary of your idea for what 20 would ultimately become "A Rape on Campus"? 21 A Well, no. It's a summary of the 22 discussions that I had had with my editors about 23 what the original concept would be for the 24 reporting that I would begin to pursue. 25 The article that ultimately ensued was</p> <p style="text-align: right;">[Page 14]</p>	<p>1 university that had been in the media for 2 violations of sexual assault issue -- for 3 issues -- 4 MS. McNAMARA: Objection. 5 Mischaracterizing her testimony. 6 A That was one of the things that was 7 originally discussed. However, the -- as my -- as 8 my reporting evolved, I decided to steer away from 9 campuses that had been in the media as being 10 pointed to as being examples of having horrendous 11 sexual assault climates, and I decided to steer 12 towards college campuses that seemed more typical 13 of a college campus environment. 14 Q Do you think that UVa has a particularly 15 horrendous or egregious problem with sexual 16 assault? 17 A No. Actually, my reporting bore out that 18 the experts that I spoke to told me that it was 19 actually a fairly typical campus. 20 Q Directing your attention to the pitched 21 document, Plaintiff's Exhibit 89, the first 22 paragraph, there's a sentence that begins, 23 "Awareness programs." 24 Do you see that? 25 A Yes.</p> <p style="text-align: right;">[Page 16]</p>
<p>1 somewhat different from the original concept, 2 which is not unusual for what happens between a 3 pitch and the ultimate article. 4 Q How was the article that ultimately 5 ensued -- and by that I mean "A Rape on Campus" -- 6 how was it different than the original pitched 7 document in terms of the concept of the, of the -- 8 what you had in mind for the pitch? 9 A Well, this article was the way in which we 10 discussed it at first, was, it was supposed to 11 be -- we had discussed it as being situated at a 12 college that had already been in the media as 13 being a fairly egregious example of sexual assault 14 and mishandling sexual assault. 15 Q Just so I understand your answer, that was 16 the concept for the article? 17 A The concept for the article was to look at 18 a school like Yale, which had been in the media 19 for having a very hostile campus with their -- the 20 student environment, and also had been charged 21 with Title IX violations, and to examine -- to 22 further examine what that might look like on a 23 ground level. 24 Q So, you were looking for a particularly 25 egregious -- I think is the word you used --</p> <p style="text-align: right;">[Page 15]</p>	<p>1 Q It says, "Awareness programs about consent 2 haven't gained much traction in the vast sexual 3 grey area on college campuses, where macho frat 4 culture and sex positive third-wave feminists find 5 themselves on a collision course against the 6 backdrop of an anything-goes party atmosphere and 7 where administrations have been criticized for 8 turning a blind eye." 9 Is it fair to say you were going to focus 10 on, in "A Rape on Campus," how a university 11 administration had turned a blind eye to rape? 12 MS. McNAMARA: Objection. 13 Mischaracterization of the document and her 14 testimony. 15 A I had been reading much in the media that 16 year about this very idea that administrations 17 were mishandling these kinds of reports, which is 18 what these Title IX investigations were all about. 19 So, I was -- I was simply -- this came as 20 a result of us talking about what was happening on 21 college campuses, and I was going to take a closer 22 look at what that was. 23 Q And so, it's fair to say that you were 24 looking to explore whether a university 25 administration had been turning a blind eye to</p> <p style="text-align: right;">[Page 17]</p>

<p>1 sexual assault on campus?</p> <p>2 A No. I was looking to see what actually</p> <p>3 happened when sexual assault reports were, were</p> <p>4 made.</p> <p>5 Q I'd like to direct your attention to the</p> <p>6 last paragraph on the first page of Plaintiff's</p> <p>7 Exhibit 89. You say, "I'd like to examine sexual</p> <p>8 assaults on campuses. The various ways colleges</p> <p>9 have resisted involvement, and (as was recently</p> <p>10 revealed at Occidental College) juke their stats</p> <p>11 to make sure campuses appear safer than they are;</p> <p>12 how then may now be scrambling to clamp down (or</p> <p>13 sidestep liability); and especially how that</p> <p>14 dynamic is translating into daily and social life</p> <p>15 and hookup culture."</p> <p>16 Is it fair to say that you were looking,</p> <p>17 in "A Rape on Campus," to explore -- or in your</p> <p>18 reporting for "A Rape on Campus," that you were</p> <p>19 looking to explore how a university was juking</p> <p>20 their stats to make their campuses appear safer?</p> <p>21 A I was merely reciting the things that I</p> <p>22 was open to exploring. These are all things -- as</p> <p>23 you can see, I mentioned there had been recent</p> <p>24 news at Occidental College. I was reading the</p> <p>25 news very carefully and seeing the things that</p> <p style="text-align: right;">[Page 18]</p>	<p>1 actually fairly typical.</p> <p>2 And I was looking to -- you know, in</p> <p>3 trying to tell a story that is relatable, whether</p> <p>4 it's about a sensitive subject or any other</p> <p>5 subject, it's always the most tidy and convenient</p> <p>6 way to try to tell it through one main subject.</p> <p>7 So, my hope was that I could find one main</p> <p>8 case to tell the story through. I didn't know</p> <p>9 whether I would find that or not. And, of course,</p> <p>10 I was open to writing the story in different ways.</p> <p>11 But I was interested in finding, if there was</p> <p>12 going to be a case that I could find at a campus,</p> <p>13 that would help to illustrate how a case is</p> <p>14 resolved after it is reported.</p> <p>15 Q I'm going to hand you what's been marked</p> <p>16 as Plaintiff's Exhibit 387.</p> <p>17 (Reporting file Bates stamped</p> <p>18 RS004072 through 4502 was</p> <p>19 referenced as Plaintiff's</p> <p>20 Exhibit 387.)</p> <p>21 Q This is, I think, what you'll recognize</p> <p>22 as, at least the vast majority, of your reporting</p> <p>23 file. It's a 400 some-odd page document.</p> <p>24 Do you recognize that as your reporting</p> <p>25 file?</p> <p style="text-align: right;">[Page 20]</p>
<p>1 were developing, and I was open to exploring</p> <p>2 whether this was happening at other campuses, as</p> <p>3 well.</p> <p>4 Q Including UVa?</p> <p>5 A If it was going -- if it was happening at</p> <p>6 UVa, then I was going to report on it.</p> <p>7 Q And --</p> <p>8 A Although, I should mention that, at this</p> <p>9 point, UVa had not even entered my mind.</p> <p>10 Q You go on to write, "As the story's main</p> <p>11 thread, I'll focus on a sexual assault case on one</p> <p>12 particularly fraught campus -- possibly at Yale,</p> <p>13 though the field is wide -- following it as it</p> <p>14 makes its way through university procedure to its</p> <p>15 resolution, or lack thereof."</p> <p>16 Is it fair to say you were looking to</p> <p>17 explore, in your reporting, how a university</p> <p>18 procedure possibly failed to address one</p> <p>19 particular student's sexual assault?</p> <p>20 A Well, that's not at all what I said. I</p> <p>21 mean, there's a number of things that changed</p> <p>22 between this sentence and the actual reporting of</p> <p>23 the article. One is that, I didn't choose a</p> <p>24 particularly fraught campus. In fact, I sought to</p> <p>25 find the opposite. I sought a campus that was</p> <p style="text-align: right;">[Page 19]</p>	<p>1 A Yes.</p> <p>2 MS. McNAMARA: Object to the degree it</p> <p>3 mischaracterizes.</p> <p>4 Q The reason I say that is, we're going to</p> <p>5 look at exhibits later that were not sequentially</p> <p>6 ordered and appear to be additional notes that are</p> <p>7 like this from the November timeframe. I believe</p> <p>8 that this ends in October.</p> <p>9 And so, that's the only reason why I say</p> <p>10 the vast majority of your reporting file because I</p> <p>11 think there are probably other documents and I</p> <p>12 don't want to give short shrift to those, because</p> <p>13 there are other parts of that.</p> <p>14 MS. McNAMARA: And that still</p> <p>15 mischaracterizes. There was a vast majority of</p> <p>16 reporting that predates this where she was</p> <p>17 reporting on other campuses and gaining</p> <p>18 intelligence and the like. So, that's what I</p> <p>19 was talking about.</p> <p>20 MS. LOCKE: That's a fair point.</p> <p>21 Q I saw, in this document, Ms. Erdely, that</p> <p>22 there were notes that were deleted from other</p> <p>23 campuses.</p> <p>24 Do you recall deleting notes from other</p> <p>25 campuses, as part of this reporting file?</p> <p style="text-align: right;">[Page 21]</p>

<p>1 A I had two separate documents. One was --</p> <p>2 I did a good deal of reporting on other campuses</p> <p>3 where I was exploring setting the article.</p> <p>4 Ultimately, I decided not to set the</p> <p>5 article on those campuses. So, when I handed in</p> <p>6 my fact-checking file, it was already such a long</p> <p>7 file, that in the interest of helping the</p> <p>8 fact-checker pare it down, I created a separate</p> <p>9 document with what I thought were just the most --</p> <p>10 the relevant interviews.</p> <p>11 Q So, in paring it down, you deleted some</p> <p>12 portions of those interviews from the other</p> <p>13 universities?</p> <p>14 A No, nothing was ever deleted. I have the</p> <p>15 original document, and it was always made</p> <p>16 available to Rolling Stone if they wanted it.</p> <p>17 Q The version that you gave the</p> <p>18 fact-checker, Ms. Garber-Paul, for her</p> <p>19 fact-checking process, was the pared down version,</p> <p>20 though; is that correct?</p> <p>21 A I did give her the pared-down version. I</p> <p>22 don't recall if I also gave her the full version.</p> <p>23 Q So, you understood that this reporting</p> <p>24 file was going to be used and relied on by</p> <p>25 Ms. Garber-Paul in her fact-checking procedures --</p> <p style="text-align: right;">[Page 22]</p>	<p>1 would include it when you logged your notes?</p> <p>2 A I'm sorry, could you ask me that again?</p> <p>3 Q Sure. Is it fair to say that, if</p> <p>4 something was important to you and you were going</p> <p>5 to use it in your story, that you would log it in</p> <p>6 your notes?</p> <p>7 A If something was going to be used in the</p> <p>8 story, then it would be in the notes, yes.</p> <p>9 Q And it's fair to say that you attempted to</p> <p>10 include important information in here; I mean,</p> <p>11 that's the purpose of this document, is to put</p> <p>12 your notes down, correct?</p> <p>13 A Right. I was making the notes that would</p> <p>14 ultimately result in the article.</p> <p>15 Q And would you say this is a substantially</p> <p>16 complete file in the questions you asked and the</p> <p>17 answers that witnesses gave with respect to the</p> <p>18 relevant witnesses for your reporting on "A Rape</p> <p>19 on Campus"?</p> <p>20 A I would say that -- I mean, you look at</p> <p>21 the sheer number of pages, it's, it's pretty full.</p> <p>22 It's not possible, nor did I strive to put down</p> <p>23 every single word that was ever said. There are</p> <p>24 places you can see where I bracketed off places</p> <p>25 where there was just back-and-forth discussion.</p> <p style="text-align: right;">[Page 24]</p>
<p>1 in her fact-checking process?</p> <p>2 A Yes.</p> <p>3 Q And does this reporting file reflect, in</p> <p>4 part, contemporaneous notes that you took with</p> <p>5 various individuals at the University of Virginia?</p> <p>6 A Yes.</p> <p>7 Q And in taking those notes, you attempted</p> <p>8 to be accurate in writing down your conversations</p> <p>9 with these individuals?</p> <p>10 A Yes.</p> <p>11 Q And in -- we've had a lot of</p> <p>12 back-and-forth talking about whether this is a</p> <p>13 transcript or not. I'm going to refer to them as</p> <p>14 your notes.</p> <p>15 When -- my understanding of your</p> <p>16 practices, when you take an interview, you're</p> <p>17 contemporaneously typing as you and the witness is</p> <p>18 speaking; is that correct?</p> <p>19 A That's correct. Except for in the cases</p> <p>20 where there are some -- there are some actual</p> <p>21 transcriptions of recordings that are in the</p> <p>22 notes.</p> <p>23 Q Is it fair to say that you would</p> <p>24 include -- if something was important to you, or</p> <p>25 something was important to your reporting, you</p> <p style="text-align: right;">[Page 23]</p>	<p>1 There were things that were discussed that didn't</p> <p>2 seem relevant to the article, but seemed to be</p> <p>3 coming up in the course of litigation.</p> <p>4 I was not making this record thinking</p> <p>5 about litigation; I was making it thinking about</p> <p>6 the things that were going to be in the article.</p> <p>7 Q But it was important for you to be</p> <p>8 comprehensive in your reporting file, that's why</p> <p>9 it's a 400 some-odd page document, correct?</p> <p>10 A Yes, of course.</p> <p>11 Q So, we're going to keep this document in</p> <p>12 front of you most of the day because we're going</p> <p>13 to go in and out of this document a variety of</p> <p>14 times, because I'll have e-mails and things that</p> <p>15 will inform this document and vice versa.</p> <p>16 And so, I think, for purposes of today,</p> <p>17 we'll keep this document in front of you. And</p> <p>18 then there will be other exhibits that I will show</p> <p>19 you that you'll ultimately be able to set aside.</p> <p>20 But this is the big one that we'll look at for</p> <p>21 today.</p> <p>22 I'd like to direct your attention to Bates</p> <p>23 4098. This is interview notes with Mr. David</p> <p>24 Lisak.</p> <p>25 Do you see where I am?</p> <p style="text-align: right;">[Page 25]</p>

<p>1 A Yes.</p> <p>2 Q Who is Mr. Lisak?</p> <p>3 A He is a researcher who's done</p> <p>4 ground-breaking research with sexual offenders</p> <p>5 and, in particular, serial offenders.</p> <p>6 Q If you turn your attention to the very</p> <p>7 next page, which is a continuation of your</p> <p>8 interview with Mr. Lisak at 4099, he says, "I'm in</p> <p>9 New Mexico," and then there's parenthesis. It</p> <p>10 says, "I'm hoping to write an article that takes</p> <p>11 an immersive look."</p> <p>12 I take that to be your voice; is that</p> <p>13 correct?</p> <p>14 A Yes.</p> <p>15 Q And you told Mr. Lisak that you're hoping</p> <p>16 to write an article that takes an immersive look</p> <p>17 at what is going on in college campuses with</p> <p>18 respect to sexual assault; in much the same way</p> <p>19 that I wrote last year about the problem of</p> <p>20 military sexual assault.</p> <p>21 Did you tell that to Mr. Lisak?</p> <p>22 A I did. Now, the fact that I put this in</p> <p>23 brackets, this is sort of a stylistic note. When</p> <p>24 I put something in brackets, it means that I'm</p> <p>25 summarizing -- this is not word for word,</p> <p style="text-align: right;">[Page 26]</p>	<p>1 larger college climate, that larger backdrop, is</p> <p>2 feeding into that problem or maybe obscuring the</p> <p>3 problem."</p> <p>4 Did you communicate that to Mr. Lisak?</p> <p>5 A Because it's not bracketed off in any way,</p> <p>6 I don't know whether that was something that</p> <p>7 was -- I couldn't guess whether that was something</p> <p>8 that was said by me, if it was something that</p> <p>9 emerged from a conversation we were having, if it</p> <p>10 was something that he said. I'm actually not -- I</p> <p>11 actually can't be clear from the notes.</p> <p>12 Q Do you have any reason to dispute that you</p> <p>13 communicated that concept to him?</p> <p>14 MS. McNAMARA: Objection. Other than what</p> <p>15 she just testified to?</p> <p>16 A I wouldn't want to guess.</p> <p>17 Q Okay. If you could turn your attention to</p> <p>18 4115, it's an interview with Emily Renda. This is</p> <p>19 the beginning of the interview with Ms. Renda that</p> <p>20 occurred -- I see a date of 7/8. Is that</p> <p>21 representative of the date where you had a</p> <p>22 conversation with Ms. Renda?</p> <p>23 A Yes.</p> <p>24 Q And if you could turn your attention to</p> <p>25 the next page, 4116, about middle of the way, a</p> <p style="text-align: right;">[Page 28]</p>
<p>1 necessarily, what I said, but I'm summarizing the</p> <p>2 substance of our conversation.</p> <p>3 Q Thank you. That's helpful.</p> <p>4 You continue on, in summarizing your</p> <p>5 conversation -- summarizing what you said to</p> <p>6 Mr. Lisak that you were teasing out the issues of</p> <p>7 how and why, and how the issue of culture and</p> <p>8 climate help to feed into this culture of assault</p> <p>9 and of inaction.</p> <p>10 Did you communicate that to Mr. Lisak?</p> <p>11 A Not necessarily in those words, but that</p> <p>12 was the substance. David Lisak has also done --</p> <p>13 he's consulted with the military about their</p> <p>14 sexual assault problems, so I thought that it</p> <p>15 would be helpful for us to discuss the idea when I</p> <p>16 was trying to convey to him about the kinds of</p> <p>17 issues that I wanted about in college; about the</p> <p>18 larger climate and the system and how everything</p> <p>19 works together.</p> <p>20 I thought that it would be helpful if I</p> <p>21 were to reference the military because he's been</p> <p>22 active both in the realm of college campuses and</p> <p>23 the military.</p> <p>24 Q And you say that, "I'm hoping to look at</p> <p>25 colleges much the same way and to examine how the</p> <p style="text-align: right;">[Page 27]</p>	<p>1 little more than middle of the way down, there are</p> <p>2 brackets, and it says, "Let me tell you about what</p> <p>3 I have in mind. Ideally, my story would follow a</p> <p>4 survivor's experience as she navigates the</p> <p>5 aftermath of their sexual assault. But the story</p> <p>6 would also paint a large picture of what it's like</p> <p>7 to be on campus now, what the environment is like,</p> <p>8 where not only is rape so prevalent, but there is</p> <p>9 pervasive culture of harassment/rape culture."</p> <p>10 And Ms. Renda, I take it, says, "Yes, so</p> <p>11 important." Is that her response to what you have</p> <p>12 said?</p> <p>13 A It is.</p> <p>14 Q Okay. And then you go on to say, "So, to</p> <p>15 get into the cultural issues that are sort of in</p> <p>16 the air and feeds into the problem of rape, an</p> <p>17 institutional indifference."</p> <p>18 Did you communicate that concept to</p> <p>19 Ms. Renda, "institutional indifference"?</p> <p>20 A If it says so, then I did.</p> <p>21 Q I --</p> <p>22 A I want to say, by the way, institutional</p> <p>23 indifference was exactly the thing that was being</p> <p>24 discussed with me and my editors about, this was</p> <p>25 exactly the topic that was being discussed in the</p> <p style="text-align: right;">[Page 29]</p>

<p>1 media at the time.</p> <p>2 So, this was still the beginning of my</p> <p>3 reporting, and I was now stepping onto the</p> <p>4 university or campus to see whether these things</p> <p>5 were borne out.</p> <p>6 Q If you could direct your attention to</p> <p>7 4118, just a couple of pages later. The first --</p> <p>8 after the first paragraph, there's parenthesis.</p> <p>9 It says, "When during the year does boys' bid</p> <p>10 night happen?"</p> <p>11 Is that a question that you asked</p> <p>12 Ms. Renda?</p> <p>13 A Yes.</p> <p>14 Q And she tells you, "For us, it's like</p> <p>15 early February. We don't allow rush till the</p> <p>16 spring."</p> <p>17 Did Ms. Renda communicate that information</p> <p>18 to you?</p> <p>19 A Yes.</p> <p>20 Q Further down, you say, "Wow, so it's a big</p> <p>21 night in terms of rapes?" And Ms. Renda goes on</p> <p>22 to respond -- and in part she responds, "Our</p> <p>23 president is very anti-Greek life. Not wanting to</p> <p>24 shut it all down because alumni have strong</p> <p>25 investment and they get up in arms. And we've</p> <p style="text-align: right;">[Page 30]</p>	<p>1 did I read that substantially correctly?</p> <p>2 MS. McNAMARA: It reads, "Her memory of it</p> <p>3 isn't perfect."</p> <p>4 Q Did I read that -- the substance</p> <p>5 correctly?</p> <p>6 A Well, yeah. I mean, except for, as Liz</p> <p>7 pointed out, she said, "And obviously maybe her</p> <p>8 memory of it isn't perfect," yes.</p> <p>9 Q You respond to her, "I tell her that</p> <p>10 that's totally plausible."</p> <p>11 Did you respond to Ms. Renda in that way?</p> <p>12 A What ensued was -- I don't believe that I</p> <p>13 used the words "totally plausible," but what</p> <p>14 ensued was a conversation in which I reacted by</p> <p>15 telling her that I was -- I found it really</p> <p>16 shocking, but that somebody had just sent me -- it</p> <p>17 just so happen that somebody had just sent me an</p> <p>18 article about gang rape that had happened at my</p> <p>19 own alma mater twenty years earlier. And so, I</p> <p>20 understood that these things actually did</p> <p>21 sometimes happen.</p> <p>22 Q And you found the idea that there could be</p> <p>23 a girl who was gang raped on the campus at the</p> <p>24 University of Virginia as part of a, you know, of</p> <p>25 a hazing ritual, to be totally plausible?</p> <p style="text-align: right;">[Page 32]</p>
<p>1 seen more of a crackdown."</p> <p>2 Did Ms. Renda communicate to you that</p> <p>3 President Sullivan is anti-Greek life and that</p> <p>4 there's been more of a crackdown at UVA?</p> <p>5 A She did. And she had actually, also, I'll</p> <p>6 add, she had just communicated to me -- my</p> <p>7 response to her about it being a big night in</p> <p>8 terms of rapes was me responding to her telling me</p> <p>9 that that single night is one of the most</p> <p>10 dangerous nights on campus.</p> <p>11 Q If you could turn the page to 4119.</p> <p>12 Ms. Renda goes on in her -- in her chat with you,</p> <p>13 in her interview with you, and she says, towards</p> <p>14 the end of the -- her response to a question on</p> <p>15 the first -- on this page, the last paragraph in</p> <p>16 her response, she says, This may be a much darker</p> <p>17 side of this, but one girl I worked with closely</p> <p>18 alleged that she was gang-raped in the fall before</p> <p>19 rush and the men who perpetrated it were young</p> <p>20 guys who are not yet members of the fraternity,</p> <p>21 and she remembers one of them saying to another,</p> <p>22 debating backing out. And another saying to him,</p> <p>23 Come on man, don't you want to be a brother? And</p> <p>24 obviously it may be her memory isn't perfect.</p> <p>25 There are a couple of typos in there, but</p> <p style="text-align: right;">[Page 31]</p>	<p>1 MS. McNAMARA: Objection.</p> <p>2 Mischaracterizes the document.</p> <p>3 MS. LOCKE: I'm not asking about the</p> <p>4 document; I'm asking independently of the</p> <p>5 document.</p> <p>6 A I didn't know at this point.</p> <p>7 MS. McNAMARA: Objection.</p> <p>8 Mischaracterizes the evidence.</p> <p>9 A At this point, I didn't know any more than</p> <p>10 what Emily had told me. I didn't know,</p> <p>11 necessarily, that this was a hazing ritual or</p> <p>12 anything of the like. She did say that it was</p> <p>13 before rush. All I know is that I was just</p> <p>14 reacting to the fact that she had just described a</p> <p>15 gang rape, which is, unto itself, a shocking</p> <p>16 concept.</p> <p>17 Q Why would you use the word -- why would</p> <p>18 you include in your notes, "I tell her that's</p> <p>19 totally plausible," if you didn't think it was</p> <p>20 totally plausible?</p> <p>21 A I did think it was totally plausible.</p> <p>22 Q I'd like to direct your attention to Bates</p> <p>23 4145.</p> <p>24 Is it sometimes your practice in your</p> <p>25 notes to include -- to copy and paste e-mails that</p> <p style="text-align: right;">[Page 33]</p>

<p>1 you receive into your reporting file?</p> <p>2 A Sometimes, yes.</p> <p>3 Q And is this such an occurrence on Rolling</p> <p>4 Stone Bates 4145, where you copied and pasted an</p> <p>5 e-mail from Emily Renda to you into your notes?</p> <p>6 A Yes.</p> <p>7 Q If you could just take a moment to look at</p> <p>8 the paragraph that Ms. Renda sent to you on</p> <p>9 July 14th, 2014.</p> <p>10 A Just the e-mail?</p> <p>11 Q Just the e-mail, for now. Ms. Renda</p> <p>12 communicated to you that she was concerned with</p> <p>13 your publishing part of Jackie's story "because we</p> <p>14 are trying to pursue ongoing action," doesn't she?</p> <p>15 A She does.</p> <p>16 Q If you could turn your attention to the</p> <p>17 next page of Plaintiff's Exhibit 387. Bates 4146</p> <p>18 is a -- is what I take to be a telephone interview</p> <p>19 with Ms. Renda; is that correct?</p> <p>20 A Yes.</p> <p>21 Q On the same date, July 14th; is that</p> <p>22 correct?</p> <p>23 A Yes. It was immediately after I got her</p> <p>24 e-mail.</p> <p>25 Q And you communicate to Ms. Renda -- let me</p> <p style="text-align: right;">[Page 34]</p>	<p>1 actually -- I took a lot from this interview.</p> <p>2 That was just one of the things I took from this</p> <p>3 interview.</p> <p>4 Q But, my question was a little bit narrower</p> <p>5 than that.</p> <p>6 My question is: Ms. Renda was</p> <p>7 communicating to you that the university's goal</p> <p>8 was to get good punitive action to stick against</p> <p>9 the fraternity; isn't that correct?</p> <p>10 MS. McNAMARA: Objection. Asked and</p> <p>11 answered.</p> <p>12 Q You can answer the question.</p> <p>13 A Yes.</p> <p>14 Q At the bottom of the page, in bold, it</p> <p>15 says, "The two staff people we have are attempting</p> <p>16 to bring them forward to talk with them</p> <p>17 anonymously."</p> <p>18 Fair to say that Ms. Renda was</p> <p>19 communicating to you that two staff people at the</p> <p>20 university are attempting to bring the anonymous</p> <p>21 women forward to talk with them in order to</p> <p>22 continue to work to get good punitive action to</p> <p>23 stick against the fraternity?</p> <p>24 A Yes. She was verifying that there were</p> <p>25 multiple allegations that were being made against</p> <p style="text-align: right;">[Page 36]</p>
<p>1 take that back.</p> <p>2 Ms. Renda communicates to you, if you look</p> <p>3 sort of midway down the page where you say, "You</p> <p>4 made some good points --" or maybe this is</p> <p>5 Ms. Renda speaking. "You made some good points.</p> <p>6 I should have been more clear. Right now, we know</p> <p>7 about these two other women through friends."</p> <p>8 Is that Ms. Renda communicating to you?</p> <p>9 A It is.</p> <p>10 Q "We don't know who they are specifically,</p> <p>11 yet. Our goal is to get good punitive action to</p> <p>12 stick, so we're trying to work the back channels</p> <p>13 to get them to come forward."</p> <p>14 Fair to say that Ms. Renda was</p> <p>15 communicating to you that the university was</p> <p>16 trying to get punitive action to stick?</p> <p>17 A What I took from this was that she was</p> <p>18 communicating to me that, in order for the</p> <p>19 university to move forward with some kind of</p> <p>20 action against the fraternity, that they needed</p> <p>21 not just one complaint -- which she had</p> <p>22 acknowledged they already had -- but three</p> <p>23 complaints against the -- against the fraternity.</p> <p>24 So, yes, she was saying that they were</p> <p>25 looking for good -- for punitive action, but I</p> <p style="text-align: right;">[Page 35]</p>	<p>1 a fraternity on campus, and that the university</p> <p>2 was aware of these allegations.</p> <p>3 Q But Ms. Renda did say, and we just looked</p> <p>4 at, that they didn't know who these women are,</p> <p>5 that she had heard about it through friends; isn't</p> <p>6 that correct?</p> <p>7 A That's correct.</p> <p>8 Q Ms. Renda testified in front of Congress;</p> <p>9 you're aware of that?</p> <p>10 A Yes.</p> <p>11 Q Did you read her Congressional testimony</p> <p>12 before you published, or before you wrote, "A Rape</p> <p>13 on Campus"?</p> <p>14 A I did.</p> <p>15 Q I'm going to hand you what's been marked</p> <p>16 as Plaintiff's Exhibit 361.</p> <p>17 (Emily Renda's testimony before</p> <p>18 Congress Bates stamped RS000109</p> <p>19 through 109 00007 was referenced</p> <p>20 as Plaintiff's Exhibit 361.)</p> <p>21 Q Plaintiff's Exhibit 361 is Ms. Renda's</p> <p>22 testimony. I'd like to direct your attention to</p> <p>23 the very bottom of the page where she begins, "One</p> <p>24 of the student survivors I worked with, Jenna --"</p> <p>25 and then there is an asterisk "-- was gang raped</p> <p style="text-align: right;">[Page 37]</p>

<p>1 by five fraternity men early in her freshman 2 year." 3 Fair to say you read this before you 4 published "A Rape on Campus"; is that correct? 5 A Yes. 6 Q Jackie told you that she was raped by 7 seven men; isn't that correct? 8 A Yes. 9 Q Did that cause any red flags in your mind, 10 that there was a difference between five men that 11 Ms. Renda communicated to Congress and the seven 12 that Jackie communicated to you? 13 A No. I knew, prior to publication, that 14 Jackie had originally -- when she originally 15 talked about her assault, she talked about it as 16 being an oral assault by five different men, but 17 she had told her -- that's something she told her 18 roommate, Rachel Soltis. 19 But Rachel told me, as Jackie became more 20 comfortable with the details of her assault, she 21 came forward with the truth, which was that it 22 actually had been seven men and it was vaginal 23 assault. 24 Q You can set that aside. I'm going to 25 direct your attention back to the interview with</p> <p style="text-align: right;">[Page 38]</p>	<p>1 "In some ways we don't want to get them punished 2 because the alumni network is very strong." 3 Q But in her interview, she did communicate 4 to you that, our associate dean, Dean Eramo, is 5 very passionate about getting Phi Psi punished; 6 isn't that correct? 7 MS. McNAMARA: Objection. 8 MR. CHEW: Objection. 9 MS. McNAMARA: Asked and answered. 10 MR. CHEW: And argumentative. 11 Q You can answer. 12 A She did say that with the qualification. 13 Q And the next bolded part of that 14 paragraph, Ms. Renda communicates to you, but she 15 is very interested in making sure we can do 16 something punitive and make something stick. 17 Didn't she communicate that information to 18 you? 19 A She did. 20 Q I'm going to hand you what's been marked 21 as Plaintiff's Exhibit 496. 22 (E-mail from ██████ ██████ to 23 Sabrina Rubin Erdely dated June 24 11, 2014 Bates stamped RS016980 25 was referenced as Plaintiff's</p> <p style="text-align: right;">[Page 40]</p>
<p>1 Ms. Renda and direct your attention to Bates 4147. 2 At the very top of that page, you ask, 3 "This frat have a bad reputation." 4 Is that your question to Ms. Renda? 5 A I imagine it probably said, does this frat 6 have a bad reputation. But yes. 7 Q And Ms. Renda communicated to you, "No, 8 they don't have a particularly bad reputation," 9 didn't she? 10 A Yes. 11 Q Ms. Renda also, further down, bolded here 12 on the page -- 13 MS. McNAMARA: And I just object to the 14 degree that you are just reading a portion of 15 Ms. Renda's answer. 16 Q If you look down, there's a bolded 17 paragraph, or a portion of a paragraph, at the end 18 of your interview with Ms. Renda. Ms. Renda 19 communicates to you, "Our associate dean -- " and 20 you put in brackets, "Eramo." 21 "-- is very passionate about getting them 22 punished." 23 She communicated that information to you, 24 didn't she? 25 A She did. She also followed up by saying,</p> <p style="text-align: right;">[Page 39]</p>	<p>1 Exhibit 496.) 2 Q Plaintiff's Exhibit 496 is an e-mail 3 exchange between you and ██████ -- I'm going to 4 struggle with this last name. 5 Do you know how to pronounce her last 6 name? 7 A ██████ 8 Q Who is Ms. ██████ 9 A She was a former UVa student who was a 10 client of Wendy Murphy's. 11 Q And you communicate -- is this an 12 e-mail -- the bottom of this page is an e-mail 13 that you sent to Ms. ██████ 14 A Yes. 15 Q And you tell Ms. ██████ that you have an 16 article in mind about how the issues of sexual 17 assault and harassment/rape culture play out in 18 everyday life. 19 MS. McNAMARA: Everyday campus life. 20 MS. LOCKE: Everyday campus life, thank 21 you, Liz. 22 Q You say, "I did a similar article last 23 year about rape in the military," and you offer 24 her a link to the Rolling Stone website and your 25 article, "The Rape of Petty Officer Blumer"; isn't</p> <p style="text-align: right;">[Page 41]</p>

<p>1 that correct?</p> <p>2 A Yes.</p> <p>3 Q Is it fair to say that you wanted the</p> <p>4 article, "A Rape on Campus," to be similar to "The</p> <p>5 Rape of Petty Officer Blumer"?</p> <p>6 A Not the article itself, but I felt that it</p> <p>7 dealt with similar themes. And so, I sent it</p> <p>8 along as an example of the kind of article that</p> <p>9 could emerge from examining these kinds of issues.</p> <p>10 It was another article that dealt with issues of</p> <p>11 hostility, drinking, hookup culture, gender roles,</p> <p>12 all the things that I list here; sexuality,</p> <p>13 language around consent.</p> <p>14 In the miliary, there were other things.</p> <p>15 There were sort of systemic, kind of, issues, the</p> <p>16 way the structure of the military was.</p> <p>17 And I had entered into that article like I</p> <p>18 enter into any of these kinds of articles, with</p> <p>19 the -- with the supposition that no institution</p> <p>20 wants to see its members sexually assaulted. And</p> <p>21 so, then, how does it happen and what happens when</p> <p>22 they report their -- when they report their sexual</p> <p>23 assaults. And that was the same approach that I</p> <p>24 was taking to this article.</p> <p>25 Q I'm going to hand you what's been marked</p> <p style="text-align: right;">[Page 42]</p>	<p>1 (Article entitled "Sex, Lies and</p> <p>2 Phys Ed" by Sabrina Rubin Erdely</p> <p>3 was referenced as Plaintiff's</p> <p>4 Exhibit 493.)</p> <p>5 (Article entitled "The Catholic</p> <p>6 Church's Secret Sex-Crime Files"</p> <p>7 by Sabrina Rubin Erdely was</p> <p>8 referenced as Plaintiff's</p> <p>9 Exhibit 494.)</p> <p>10 Q Plaintiff's Exhibit 491 is an article,</p> <p>11 "Intimate Intimidation."</p> <p>12 Did you write this article, Ms. Erdely?</p> <p>13 A I did.</p> <p>14 Q Exhibit 492 is an article, "The Crime</p> <p>15 Against Women That No One Understands."</p> <p>16 Did you write this article, Ms. Erdely?</p> <p>17 A I did.</p> <p>18 Q Plaintiff's Exhibit 493 is an article,</p> <p>19 "Sex, Lies, and Phys Ed."</p> <p>20 Did you write this article, Ms. Erdely?</p> <p>21 A Yes.</p> <p>22 Q And Plaintiff's Exhibit 494, "The Catholic</p> <p>23 Church's Secret Sex-Crime Files."</p> <p>24 Did you write this article?</p> <p>25 A Yes.</p> <p style="text-align: right;">[Page 44]</p>
<p>1 as Plaintiff's Exhibit 495.</p> <p>2 ("The Rape of Petty Officer</p> <p>3 Blumer" was referenced as</p> <p>4 Plaintiff's Exhibit 195.)</p> <p>5 Q Is this the article that you wrote, "The</p> <p>6 Rape of Petty Officer Blumer"?</p> <p>7 A Yes.</p> <p>8 Q And "The Rape of Petty Officer Blumer" was</p> <p>9 about a look inside the military's culture of</p> <p>10 sexual abuse, denial, and cover up; isn't that</p> <p>11 correct?</p> <p>12 A Yes.</p> <p>13 Q You can set that aside.</p> <p>14 I'm going to hand you also what's been</p> <p>15 marked as Plaintiff's Exhibit 491, 492, 493, and</p> <p>16 494.</p> <p>17 (Article entitled "Intimate</p> <p>18 Intimidation" by Sabrina Rubin</p> <p>19 was referenced as Plaintiff's</p> <p>20 Exhibit 491.)</p> <p>21 (Article entitled "The Crime</p> <p>22 Against Women That No One</p> <p>23 Understands" by Sabrina Rubin</p> <p>24 Erdely was referenced as</p> <p>25 Plaintiff's Exhibit 492.)</p> <p style="text-align: right;">[Page 43]</p>	<p>1 Q You can set those aside.</p> <p>2 I'm going to direct your attention back to</p> <p>3 Plaintiff's Exhibit 387 and to Bates number 4152.</p> <p>4 At the same time, I'm going to hand you what's</p> <p>5 been marked as Plaintiff's Exhibit 208.</p> <p>6 (E-mail from Jacqueline [REDACTED]</p> <p>7 to Sabrina Rubin Erdely dated</p> <p>8 August 14, 2014 Bates stamped</p> <p>9 RS015089 through 15091 was</p> <p>10 referenced as Plaintiff's</p> <p>11 Exhibit 208.)</p> <p>12 Q At the bottom of Plaintiff's Exhibit 387,</p> <p>13 Bates 4152, is what I believe the beginning of an</p> <p>14 interview with Jackie [REDACTED] but there is no</p> <p>15 date on it.</p> <p>16 And so, what I would like to do is direct</p> <p>17 your attention to Plaintiff's Exhibit 208, just to</p> <p>18 give you a frame of reference so we can date this</p> <p>19 interview.</p> <p>20 A Uh-huh.</p> <p>21 Q On Plaintiff's Exhibit 208, Bates 15090 at</p> <p>22 the bottom, it says, "Hi Jackie, it was a pleasure</p> <p>23 speaking with you just now." And that is dated</p> <p>24 July 14, 2014 at 6:42 p m.</p> <p>25 If you could just take a second to look at</p> <p style="text-align: right;">[Page 45]</p>

<p>1 387, Bates 4152, and tell me if this is an 2 interview from July 14th. 3 A It appears that way. I would need to look 4 at my datebook to be absolutely sure. 5 Q Your what? 6 A I would need to look at my datebook from 7 that year to be absolutely sure. But it appears 8 that way. 9 Q I'm sorry, I didn't mean to interrupt you. 10 Is this the first interview that you had 11 with Ms. [REDACTED] 12 A It was. 13 Q And does that date sound approximately 14 correct, sometime in July? 15 A It does. 16 Q Okay. If you could turn your attention to 17 the next page, 4153, Ms. [REDACTED] tells you that 18 she's an undergrad. "I'm going into my third 19 year, my junior year, but I was raped my first 20 month there in September 2012." 21 Do you see where I am? 22 A Yes. 23 Q Is that information that Ms. [REDACTED] 24 communicated to you? 25 A Yes.</p> <p style="text-align: right;">[Page 46]</p>	<p>1 information to you? 2 A Yes. 3 Q She told you she was hurt so badly that 4 she got scars on her back and a huge bruise on her 5 face, correct? 6 A Yes. 7 Q Did you ask Ms. [REDACTED] whether she went 8 to the hospital to seek help for those injuries? 9 A In later interviews, she told me that she 10 did not seek medical help. 11 Q In later interviews, did you ever ask 12 Ms. [REDACTED] why she didn't seek medical help for 13 such extreme injuries? 14 MS. McNAMARA: Objection. 15 Mischaracterization. 16 A She communicated to me that she had stayed 17 in her room until her wounds had healed. It led 18 me under the impression that she didn't need 19 medical help. 20 Q Middle of the page of 4154, Ms. [REDACTED] 21 tells you that she started to scream, "and someone 22 pummeled into me and told me to shut up, and 23 that's when I tripped and fell against the coffee 24 table and it smashed under me and this other boy 25 was throwing his weight on top of me."</p> <p style="text-align: right;">[Page 48]</p>
<p>1 Q And in the next paragraph, at the very 2 end, Ms. [REDACTED] tells you, "It wound up being a 3 hazing thing"; is that correct? 4 A Yes. 5 Q And in the next paragraph, Ms. [REDACTED] -- 6 and its bolded towards the end of the next 7 paragraph. Ms. [REDACTED] tells you, "And there 8 ended up being eight other boys in the room," and 9 that the boy who brought her there didn't 10 participate in her rape; is that correct? 11 A Yes. 12 Q That seven men raped her; is that correct? 13 A Yes. 14 Q Did you ask Ms. [REDACTED] why she believed 15 the eighth boy did not participate in her rape? 16 A No. 17 Q Did you find it odd that this eighth boy 18 would not participate in her rape? 19 A It didn't draw my attention. 20 Q You can turn to the next page, 4154. The 21 second paragraph, Ms. [REDACTED] tells you that there 22 was a glass coffee table in the middle of the 23 room, that she ended up crashing into it, and 24 shattered under our weight. 25 Did Ms. [REDACTED] communicate that</p> <p style="text-align: right;">[Page 47]</p>	<p>1 Did you ask Ms. [REDACTED] if anyone heard 2 her screams, or came into the room during this 3 three-hour rape? 4 A No. I was just listening to her 5 recitation of her -- of the events that she was 6 telling me. 7 Q Down at the bottom of Plaintiff's 8 Exhibit 387, Bates 4154, Ms. [REDACTED] tells you, 9 "One of them said, grab its mother-fucking leg. 10 As soon as they said that, I knew they were going 11 to rape me." 12 Isn't that correct, that Ms. [REDACTED] 13 communicated that information to you? 14 A Yes. 15 Q You can turn the page to 4155. The top of 16 the page, Ms. [REDACTED] communicates to you that, 17 "The boy I went with, and one of his friends, I 18 gathered they'd done it before because I heard 19 them say something like, 'We all had to do it, so 20 you do too.'" 21 Did Ms. [REDACTED] communicate that 22 information to you? 23 A She did. That was her interpretation. 24 Q Did you find that implausible that, that 25 such a horrendous rape would be part of a</p> <p style="text-align: right;">[Page 49]</p>

<p>1 fraternity ritual?</p> <p>2 MS. McNAMARA: Objection.</p> <p>3 Mischaracterization.</p> <p>4 A It was her opinion, at this point, that</p> <p>5 perhaps this was some kind of fraternity ritual.</p> <p>6 I was, at this point, just listening to her</p> <p>7 recitation of events. I wanted to know what had</p> <p>8 happened to her.</p> <p>9 Q Were you shocked by her story?</p> <p>10 A Yes.</p> <p>11 Q Ms. [REDACTED] goes on to tell you, in that</p> <p>12 same paragraph, "I don't know if they were pledge</p> <p>13 names because it wasn't pledge season."</p> <p>14 Did she communicate that information to</p> <p>15 you?</p> <p>16 A Yes.</p> <p>17 Q Did you wonder to yourself why a hazing</p> <p>18 ritual might be happening at the time of year</p> <p>19 where it wasn't pledge season?</p> <p>20 MS. McNAMARA: Objection.</p> <p>21 Mischaracterization.</p> <p>22 A Well, ultimately, I never concluded that</p> <p>23 it was a hazing ritual. I mean, is that what</p> <p>24 you're asking?</p> <p>25 Q I'm asking if you questioned --</p> <p style="text-align: right;">[Page 50]</p>	<p>1 rape, but I can't imagine it's all that common.</p> <p>2 So the idea that three women were gang raped at</p> <p>3 the same fraternity seems like too much of a</p> <p>4 coincidence."</p> <p>5 Did you communicate that information to</p> <p>6 Ms. [REDACTED]</p> <p>7 A I did.</p> <p>8 Q But you resolved that problem that it</p> <p>9 seemed too much like a coincidence, in your mind,</p> <p>10 that this actually happened rather than</p> <p>11 Ms. [REDACTED] was fabricating a story; isn't that</p> <p>12 correct?</p> <p>13 MS. McNAMARA: Objection. Lack of</p> <p>14 foundation.</p> <p>15 A It never occurred to me that Jackie was</p> <p>16 fabricating the story.</p> <p>17 Q Ms. [REDACTED] told you that this rape went</p> <p>18 on for three and a half hours; isn't that correct?</p> <p>19 A She did.</p> <p>20 Q Did you find that implausible?</p> <p>21 A She later amended it to say that she</p> <p>22 passed out during part of it, so she didn't</p> <p>23 actually know how long it lasted.</p> <p>24 No, I didn't think it was implausible.</p> <p>25 Q Ms. [REDACTED] told you, and you reported in</p> <p style="text-align: right;">[Page 52]</p>
<p>1 Ms. [REDACTED] had told you it wasn't pledge season.</p> <p>2 So, did you question or wonder why</p> <p>3 Ms. [REDACTED] believed it was a hazing ritual if it</p> <p>4 wasn't, if it wasn't that time of year?</p> <p>5 A Well, she had just given me an</p> <p>6 explanation, which -- a possible explanation, from</p> <p>7 her point of view, which is that it might have</p> <p>8 been dirty rushing, which is a practice where --</p> <p>9 or potential pledges try to rush when it's not</p> <p>10 rush season.</p> <p>11 Q And it was plausible to you that there</p> <p>12 could be dirty rushing the first month of school</p> <p>13 by nonfraternity members in a gang rape?</p> <p>14 A Yes.</p> <p>15 Q Ms. [REDACTED] also told you that there were</p> <p>16 two other girls -- that she met two other girls</p> <p>17 who had a similar experience at the same</p> <p>18 fraternity; isn't that correct?</p> <p>19 A Yes. And this goes to what Emily Renda</p> <p>20 had already told me.</p> <p>21 Q And you found that shocking, correct?</p> <p>22 A Correct. But I was, I was ready, or for</p> <p>23 it, because Emily Renda had already laid the</p> <p>24 groundwork for that.</p> <p>25 Q You write, "I don't know the stats on gang</p> <p style="text-align: right;">[Page 51]</p>	<p>1 the article, that the thing that seared in her</p> <p>2 mind was the hour on the alarm clock, 3:30, or</p> <p>3 something along those lines; is that correct?</p> <p>4 A I believe it was 12:52.</p> <p>5 Q But that when she woke up, it was</p> <p>6 approximately 3:30; isn't that correct?</p> <p>7 A That's right.</p> <p>8 Q Did you ask Ms. [REDACTED] whether any other</p> <p>9 individuals entered into the room during her</p> <p>10 three-and-a-half hour gang rape?</p> <p>11 MS. McNAMARA: And let me -- let me just</p> <p>12 establish that it was, in her mind, that it was</p> <p>13 12:52 and then 3:30, isn't that two and a half</p> <p>14 hours?</p> <p>15 MS. LOCKE: Ms. [REDACTED] communicated, it</p> <p>16 went on for almost three and a half hours, so I</p> <p>17 think the record has already established --</p> <p>18 MS. McNAMARA: I think the witness just</p> <p>19 verified from her notes that that --</p> <p>20 A It was a shorter time period than she</p> <p>21 had -- than she had characterized.</p> <p>22 Q Did that raise any red flags for you, that</p> <p>23 she told you it was three and a half hours, but</p> <p>24 you later confirmed it was shorter than that?</p> <p>25 A It might have felt much longer, an</p> <p style="text-align: right;">[Page 53]</p>

<p>1 experience like that.</p> <p>2 Q Did you ask Ms. [REDACTED] whether any other</p> <p>3 individuals entered the room during the time</p> <p>4 period of her gang rape?</p> <p>5 A I don't recall. I'd have to, I'd have to</p> <p>6 reread my notes.</p> <p>7 Q Did you ask Ms. [REDACTED] how she was</p> <p>8 restrained during that full two-and-a-half to</p> <p>9 three-and-a-half hour time period when she was</p> <p>10 being gang raped?</p> <p>11 A Yeah. She described it to me a number of</p> <p>12 times that, in the beginning, she was being held</p> <p>13 down in various ways. And by the end, they no</p> <p>14 longer had to hold her down because she was, she</p> <p>15 was too weak to fight back.</p> <p>16 Q Did you ask for Ms. [REDACTED] to explain the</p> <p>17 various ways that she was being held down during</p> <p>18 her gang rape?</p> <p>19 A Yes. And you can see them in here in my</p> <p>20 notes.</p> <p>21 Q Can you direct me to where they are?</p> <p>22 A Yes. She explains here on 4155, "My face</p> <p>23 was pushed down into the side." On the next page,</p> <p>24 she says -- I ask her at the bottom here about</p> <p>25 being restrained. She says, "The one who had been</p> <p style="text-align: right;">[Page 54]</p>	<p>1 A No. I took it as being -- eventually,</p> <p>2 when I was able to put more pieces together, I</p> <p>3 took it that she -- her, her conclusion was that</p> <p>4 this was some kind of dirty rushing event and that</p> <p>5 somebody must have been coordinating it. So she</p> <p>6 gave somebody the title pledge master. But I</p> <p>7 didn't know there was any bearing in real life for</p> <p>8 her to call somebody that.</p> <p>9 Q She told you that a member of her class</p> <p>10 was the last person to rape her; isn't that</p> <p>11 correct?</p> <p>12 A Yes.</p> <p>13 Q And that she never went back to that</p> <p>14 class; is that correct?</p> <p>15 A Yes.</p> <p>16 Q Did you ever ask Ms. [REDACTED] to identify</p> <p>17 that individual in her class who she recognized as</p> <p>18 the last person to rape her?</p> <p>19 A I was under the impression that she didn't</p> <p>20 know the names of anybody who was involved except</p> <p>21 for the ring leader.</p> <p>22 Q My question was a little bit different.</p> <p>23 Not your impression of what she understood.</p> <p>24 Did you ask her to identify for you the</p> <p>25 name of the individual that attended class with</p> <p style="text-align: right;">[Page 56]</p>
<p>1 behind me, he was holding my arm because I was</p> <p>2 flailing my arms when I got in there and he</p> <p>3 slammed my arm against the floorboard. He was</p> <p>4 also kneeling on my hair. And to the right or</p> <p>5 left, someone had put a hand over my mouth and he</p> <p>6 is the one who punched me in the face and my head</p> <p>7 flew to the side."</p> <p>8 Q At the top of Plaintiff's Exhibit 387,</p> <p>9 Bates 4156, Ms. [REDACTED] tells you -- well,</p> <p>10 actually, starting on the prior page, where you</p> <p>11 just read, "My face was pushed down into the side</p> <p>12 and all I could see was the clock and I could see</p> <p>13 the boy and his friends, the pledge master, they</p> <p>14 were standing on my -- on my line of vision and</p> <p>15 talking."</p> <p>16 Did you ever ask Ms. [REDACTED] --</p> <p>17 A I'm sorry, I'm not seeing where you are.</p> <p>18 Q The very bottom of 4155 to the top of</p> <p>19 4156.</p> <p>20 A Oh, okay, yes.</p> <p>21 Q Did you ever ask Ms. [REDACTED] who the</p> <p>22 pledge master was?</p> <p>23 A No.</p> <p>24 Q Did you ever ask her how she was able to</p> <p>25 identify that he was the pledge master?</p> <p style="text-align: right;">[Page 55]</p>	<p>1 her that she recognized as the last individual to</p> <p>2 rape her?</p> <p>3 A No.</p> <p>4 Q Did you ever ask for Ms. [REDACTED] report</p> <p>5 card to confirm that she failed that class?</p> <p>6 A It's hard for me to remember, now. I</p> <p>7 asked her for a lot of material. It's, it's quite</p> <p>8 possible that I did, but I can't say for sure.</p> <p>9 Q If you could turn to 4157, you ask</p> <p>10 Ms. [REDACTED] "What did you feel like in that</p> <p>11 moment?" About a middle of the way down the page.</p> <p>12 And Ms. [REDACTED] communicated to you, "I</p> <p>13 felt exhausted, I just felt so tired. I wanted to</p> <p>14 go home so badly. I didn't know where I was,</p> <p>15 though, because this particular frat is not on the</p> <p>16 main road. It's not on Rugby Road. So, I got to</p> <p>17 the front door and I wasn't on Rugby Road. I</p> <p>18 didn't know where I am. So I was -- I'm near this</p> <p>19 big field, I don't know where I am, and I don't</p> <p>20 have shoes on and it's cold."</p> <p>21 Ms. [REDACTED] communicated to you that the</p> <p>22 frat was not on Rugby Road, but on a big field,</p> <p>23 correct?</p> <p>24 A Correct.</p> <p>25 Q And that she didn't know where she was; is</p> <p style="text-align: right;">[Page 57]</p>

<p>1 that correct?</p> <p>2 A Correct.</p> <p>3 Q You ultimately went down to</p> <p>4 Charlottesville and visited the Phi Psi house,</p> <p>5 correct?</p> <p>6 A Yes.</p> <p>7 Q And it's on -- sits sort of perpendicular</p> <p>8 to what looks like a football or soccer field,</p> <p>9 correct?</p> <p>10 A Yes.</p> <p>11 Q It's towards the center of campus; isn't</p> <p>12 that correct?</p> <p>13 A I don't, I don't recall.</p> <p>14 Q It's not far from the rotunda; isn't that</p> <p>15 correct?</p> <p>16 A I don't recall the layout.</p> <p>17 Q My question is: Did it seem implausible,</p> <p>18 with a fraternity house in such a prominent</p> <p>19 location, that Ms. ██████ could emerge from the</p> <p>20 Phi Psi house and not know where she was on UVa's</p> <p>21 campus?</p> <p>22 A Oh, no, not at all. I mean, when I, when</p> <p>23 I visited the Phi Psi house, I saw that there was</p> <p>24 an exit that actually came out onto a side street</p> <p>25 that led behind the fraternity house and it was --</p> <p style="text-align: right;">[Page 58]</p>	<p>1 meant Jackie, turned to her friends, that they</p> <p>2 discouraged her from seeking help.</p> <p>3 So, while I was, I was surprised and</p> <p>4 dismayed that people would treat another person in</p> <p>5 need like that, I found it totally plausible.</p> <p>6 Q You understood that Jackie did not meet</p> <p>7 Ms. Renda until she was introduced by Dean Eramo</p> <p>8 to Ms. Renda; is that correct?</p> <p>9 A That's correct.</p> <p>10 Q So you understood, before publishing "A</p> <p>11 Rape on Campus," that Jackie didn't know Emily</p> <p>12 Renda at the time of her rape; isn't that correct?</p> <p>13 A Correct.</p> <p>14 MS. McNAMARA: We've been going close to</p> <p>15 an hour and a half. Is this a good time to</p> <p>16 take a break?</p> <p>17 MS. LOCKE: Sure. We can take a break</p> <p>18 now.</p> <p>19 THE VIDEOGRAPHER: Go off the record. The</p> <p>20 time is 11:19.</p> <p>21 (Recess taken.)</p> <p>22 THE VIDEOGRAPHER: We're going back on the</p> <p>23 record. The time is 11:33. Beginning DVD</p> <p>24 Number 2.</p> <p>25 Q Ms. Erdely, during this interview,</p> <p style="text-align: right;">[Page 60]</p>
<p>1 it was actually quite confusing as to where we</p> <p>2 were at that point. I mean, my having never been</p> <p>3 there before, I had no sense of bearings.</p> <p>4 Q If you could turn the page to Rolling</p> <p>5 Stone 4158. Ms. ██████ at the bottom of the</p> <p>6 page, communicates to you that her friend Ryan</p> <p>7 wanted to take her to the hospital but that her</p> <p>8 other two friends discouraged that; isn't that</p> <p>9 correct?</p> <p>10 A Yes.</p> <p>11 Q And if you turn the page to 4159,</p> <p>12 Ms. ██████ told you that, that one of her friends</p> <p>13 said, "She's going to be the girl who cried rape</p> <p>14 and will never be allowed into any frat party</p> <p>15 again. And Ryan, when you want to rush, you'll be</p> <p>16 associated with a girl who cried rape at a frat</p> <p>17 party."</p> <p>18 Ms. ██████ communicated that to you?</p> <p>19 A Yes.</p> <p>20 Q Do you find that plausible, with a bruised</p> <p>21 and bloodied and beaten friend, that her</p> <p>22 girlfriend would discourage her from going to the</p> <p>23 hospital?</p> <p>24 A Well, I found it consistent with Emily</p> <p>25 Renda's testimony that, when ██████ by whom she</p> <p style="text-align: right;">[Page 59]</p>	<p>1 Ms. ██████ told you that the three friends who</p> <p>2 saw her immediately after her gang rape, that</p> <p>3 their first names were Ryan, Kathryn, and Alex;</p> <p>4 isn't that correct?</p> <p>5 A Yes.</p> <p>6 Q She told you that she and Ryan dated on</p> <p>7 and off at the beginning of the school when she</p> <p>8 started at UVa; isn't that correct?</p> <p>9 A Yes.</p> <p>10 Q And she told you that she and Ryan stopped</p> <p>11 dating because they decided they didn't want to</p> <p>12 have a relationship going into college; isn't that</p> <p>13 correct?</p> <p>14 MS. McNAMARA: Going into college?</p> <p>15 MS. LOCKE: Being freshman at college,</p> <p>16 first year at college, they didn't want to be</p> <p>17 in a relationship, as they were starting their</p> <p>18 college path.</p> <p>19 A Can you show me that in the notes?</p> <p>20 Q 4160, Plaintiff's Exhibit 387, second</p> <p>21 paragraph down, "Ryan and I had actually dated on</p> <p>22 and off at the beginning of the school year before</p> <p>23 we realized that we didn't want to start a</p> <p>24 relationship because we both got into college."</p> <p>25 She communicated that to you, correct?</p> <p style="text-align: right;">[Page 61]</p>

[16] (Pages 58 to 61)

<p>1 A Yes.</p> <p>2 Q Do you find it odd that Ms. [REDACTED]</p> <p>3 alleged that she was raped the first month of</p> <p>4 college, and that she and Ryan apparently dated on</p> <p>5 and off for that first month and were able to, in</p> <p>6 such a short amount of time, conclude that they</p> <p>7 didn't want to be in a relationship?</p> <p>8 A I'm sorry, and your question is?</p> <p>9 Q I mean, do you find it odd that two people</p> <p>10 could meet and start dating so quickly and</p> <p>11 ultimately decide in, you know, two weeks, three</p> <p>12 weeks, before her rape, that they weren't going to</p> <p>13 have a relationship?</p> <p>14 A No. That actually sounds to me to be very</p> <p>15 typical of a college relationship.</p> <p>16 Q I'm going to direct your attention to</p> <p>17 4165. In the middle of the page -- well, before</p> <p>18 we look at the page, at some point during the</p> <p>19 interview, Ms. [REDACTED] told you that she set up an</p> <p>20 interview with Dean Eramo; isn't that correct?</p> <p>21 A At some point she told me that, yes.</p> <p>22 Q And Ms. [REDACTED] communicated to you -- and</p> <p>23 I can direct your attention to 4165 -- that "I</p> <p>24 love her, I think she's fantastic," referring to</p> <p>25 the Dean of Sexual Assault; isn't that correct?</p> <p style="text-align: right;">[Page 62]</p>	<p>1 Q Did it raise a red flag in your mind that</p> <p>2 the allegation that the other woman was raped in</p> <p>3 January, when Jackie's assault was in September?</p> <p>4 A No. It just helped me -- I mean,</p> <p>5 eventually I came to the conclusion that this was</p> <p>6 not a ritual, and this was one of the things that</p> <p>7 helped to establish that.</p> <p>8 Q How did you come to the conclusion that</p> <p>9 this wasn't a ritual?</p> <p>10 A Well, we never mentioned -- we never said</p> <p>11 in the article that it was a ritual.</p> <p>12 Q I didn't ask what you said in the article.</p> <p>13 I asked you how you came to the conclusion that it</p> <p>14 wasn't a ritual.</p> <p>15 A I didn't find any evidence to show that it</p> <p>16 was a ritual.</p> <p>17 Q In the next page, 4167, Ms. [REDACTED] also</p> <p>18 tells you about a third woman who was the sister</p> <p>19 of a friend who was raped at the same fraternity;</p> <p>20 isn't that correct?</p> <p>21 A Yes.</p> <p>22 Q And you ask, "What fraternity is this?"</p> <p>23 Do you see that?</p> <p>24 A Uh-huh.</p> <p>25 Q Is that a yes?</p> <p style="text-align: right;">[Page 64]</p>
<p>1 A That's correct. And that's reflected in</p> <p>2 the article, as well.</p> <p>3 Q I turn your attention to the next page,</p> <p>4 Plaintiff's Exhibit 4166 -- I mean, I'm sorry,</p> <p>5 Bates 4166.</p> <p>6 You ask, in the middle of the page, the</p> <p>7 fact that the other girl was assaulted and heard</p> <p>8 what she thinks she heard, you think this is an</p> <p>9 annual ritual.</p> <p>10 You asked that question to Ms. [REDACTED]</p> <p>11 correct?</p> <p>12 A Yes.</p> <p>13 Q And Ms. [REDACTED] responds, "It confuses me</p> <p>14 because she was assaulted at a different time of</p> <p>15 the year. She was assaulted in January."</p> <p>16 Did that also confuse you, Ms. Erdely,</p> <p>17 that -- that a gang rape like this, that seemed to</p> <p>18 be a ritual, a fraternity ritual, would happen at</p> <p>19 different times of the year?</p> <p>20 A Well, at this point, it didn't seem to me</p> <p>21 that it was necessarily a ritual. I was simply</p> <p>22 asking her questions. It seemed to me that she</p> <p>23 thought it was some kind of ritual, so I was</p> <p>24 asking her questions to try to clarify why she</p> <p>25 would have thought that it was a ritual.</p> <p style="text-align: right;">[Page 63]</p>	<p>1 A Yes, I'm sorry.</p> <p>2 Q And Ms. [REDACTED] responds, "Uh, I'm not</p> <p>3 sure that I should tell you."</p> <p>4 Did she communicate that to you?</p> <p>5 A Yes.</p> <p>6 Q Did it concern you that Ms. [REDACTED] was</p> <p>7 worried about identifying the fraternity where she</p> <p>8 alleges she was raped?</p> <p>9 A No, it's not unusual that somebody would</p> <p>10 be shy about telling a very sensitive piece of</p> <p>11 information.</p> <p>12 Q She ultimately tells you that it was the</p> <p>13 same fraternity that Liz Securo was raped at,</p> <p>14 correct?</p> <p>15 A Yes.</p> <p>16 Q And you respond to her, "Holy shit, every</p> <p>17 hair on my arm is standing up. Seems like more</p> <p>18 than a coincidence."</p> <p>19 Did you say those words?</p> <p>20 A That was actually posed as a question to</p> <p>21 her. I mean, it was posed as a question to her,</p> <p>22 does it seem like more of a coincidence -- like</p> <p>23 more than a coincidence.</p> <p>24 Q Was it a question in your mind that it was</p> <p>25 more than a coincidence?</p> <p style="text-align: right;">[Page 65]</p>

<p>1 A It was a question in my mind.</p> <p>2 Q On the same page in brackets, you say, "We</p> <p>3 talk about why I think it's important to name the</p> <p>4 frat."</p> <p>5 You thought it was important to name the</p> <p>6 fraternity in the story; isn't that correct?</p> <p>7 A Yes.</p> <p>8 Q On the --</p> <p>9 A Can I just add something to that? The</p> <p>10 reason why I felt it was important to name the</p> <p>11 fraternity was because, if, in fact, there were</p> <p>12 gang rape allegations happening at a particular</p> <p>13 fraternity, I felt it was important to warn people</p> <p>14 about that particular fraternity. And to omit</p> <p>15 their name would be to leave out the very reason</p> <p>16 for the article to exist.</p> <p>17 Q Well, why name the fraternity rather than</p> <p>18 the individual perpetrators? Wouldn't it be more</p> <p>19 important to warn individuals about individual</p> <p>20 perpetrators than an actual organization and</p> <p>21 institution?</p> <p>22 MR. CHEW: Objection to the form of the</p> <p>23 question. Argumentative.</p> <p>24 Q You can answer it.</p> <p>25 A The fraternity was the site of all three</p> <p style="text-align: right;">[Page 66]</p>	<p>1 Q You can answer the question.</p> <p>2 A What my reporting found was that, the</p> <p>3 University of Virginia was aware of three</p> <p>4 different gang rape allegations that they were</p> <p>5 taking as credible allegations. And if, in fact,</p> <p>6 they thought that they were credible allegations,</p> <p>7 which they did, what were their responsibilities</p> <p>8 under Title IX to the rest of the campus? That</p> <p>9 was a question that I sought to answer by talking</p> <p>10 to experts.</p> <p>11 And I concluded that, given the, given the</p> <p>12 demands of Title IX, they had a responsibility to</p> <p>13 warn the campus. And no warning was ever issued.</p> <p>14 Q You understand, though, and did, at the</p> <p>15 time, before publication, that the source for the</p> <p>16 allegations of those three gang rape all came from</p> <p>17 Jackie; isn't that correct?</p> <p>18 A That is not correct.</p> <p>19 Q Tell me where the source -- who you spoke</p> <p>20 with, personally, that told you that they had been</p> <p>21 gang raped at Phi Psi.</p> <p>22 A I was under the understanding that there</p> <p>23 were three different women. That Jackie was one</p> <p>24 of them. That there were two others, one of whom</p> <p>25 who had submitted an anonymous complaint.</p> <p style="text-align: right;">[Page 68]</p>
<p>1 allegations, and that was something that became</p> <p>2 clear over the course of time, that the university</p> <p>3 was looking into it. Ultimately, the university</p> <p>4 initiated an investigation of that fraternity.</p> <p>5 As far as I'm aware, there was no</p> <p>6 investigation of the individuals, it was about the</p> <p>7 fraternity. And I also established that with the</p> <p>8 national fraternity, that they were under</p> <p>9 investigation.</p> <p>10 So, I think that naming the fraternity was</p> <p>11 germane to this.</p> <p>12 Q And you said you think it's important to</p> <p>13 provide a warning to the university, presumably</p> <p>14 because that -- you think it would be a safety --</p> <p>15 it's a safety concern; is that right?</p> <p>16 A That's ultimately what this article was</p> <p>17 about.</p> <p>18 Q Well, don't you ultimately think that the</p> <p>19 University of Virginia actually had it right in</p> <p>20 this case by not issuing a warning when there are</p> <p>21 three unsubstantiated allegations of gang rape</p> <p>22 that all sourced from one individual?</p> <p>23 MS. McNAMARA: Objection.</p> <p>24 Mischaracterization of the evidence.</p> <p>25 MR. CHEW: Objection.</p> <p style="text-align: right;">[Page 67]</p>	<p>1 Q With Jackie --</p> <p>2 A With Jackie's help. And that there was a</p> <p>3 third person, as well.</p> <p>4 Q But you only learned of those allegations</p> <p>5 from Jackie; isn't that correct?</p> <p>6 A That is correct. And that was -- and I</p> <p>7 trusted her. She, at that point, had become a</p> <p>8 very credible source who I completely believed.</p> <p>9 Q But you never spoke with [REDACTED] isn't that</p> <p>10 correct?</p> <p>11 A That's correct.</p> <p>12 Q You never spoke with [REDACTED] isn't that</p> <p>13 correct?</p> <p>14 A That's correct.</p> <p>15 Q You never spoke with [REDACTED]</p> <p>16 A That is correct. But I did ask Jackie to</p> <p>17 turn over communications with all of these people.</p> <p>18 If you look through my notes, which I know you</p> <p>19 did, you'll see I was very, very persistent about</p> <p>20 trying to get in touch with all of these women.</p> <p>21 Q But you never did?</p> <p>22 MS. McNAMARA: Objection. Let the witness</p> <p>23 finish her answer before you interrupt. She</p> <p>24 wasn't finished.</p> <p>25 MS. LOCKE: I didn't know that.</p> <p style="text-align: right;">[Page 69]</p>

<p>1 A I repeatedly hound Jackie for whether she 2 had gotten in touch with these women, whether they 3 were available to speak with me, and for her to 4 forward any communications she had with them. 5 Ultimately, she forwarded me communications she 6 had with two of them. I did everything I could to 7 get in touch with these women and to substantiate 8 them. 9 Q But you never actually got in touch with 10 these women, did you? 11 A Despite all of my efforts, I was not able 12 to. 13 Q I direct your attention to the bottom of 14 4167 over to 4168. Jackie goes on to tell you the 15 story of what I'm going to refer to as the bottle 16 incident. 17 Isn't that correct? 18 A Yes. 19 Q And did you understand that Jackie -- but 20 that Jackie had been -- Jackie communicated to you 21 that she had been yelled at and a bottle thrown at 22 her face for speaking out about her rape at Phi 23 Psi? 24 A I don't know that I knew that it was about 25 her specifically speaking out about Phi Psi. I</p> <p style="text-align: right;">[Page 70]</p>	<p>1 Q And that she filed a police report; isn't 2 that correct? 3 A Yes. 4 Q And that it was a very nasty cut; isn't 5 that correct? 6 A Yes. 7 Q And she communicated to you that her 8 roommate was a nurse, and she took the glass out 9 of her face; isn't that correct? 10 A Yes. 11 Q In fact, this information is bolded in 12 your reporting file; is that right? 13 A Yes. 14 Q What does it mean when you bold something 15 in your reporting file? 16 A It means that something stood out to me, 17 something that maybe I would go back and use in 18 the article. 19 Q I'm going to direct your attention to 20 later in this file, 4363. 21 And I'll represent that this is the end of 22 your dinner that you had with Ms. [REDACTED] on the 23 night of September 11th. And if you want to flip 24 back in the pages to orient yourself, feel free to 25 do that.</p> <p style="text-align: right;">[Page 72]</p>
<p>1 think that she thought that it was from her -- her 2 affiliation with One Less, which is a peer 3 education group that is antirape. 4 Q Which she was a part of as a result of her 5 rape; isn't that correct? 6 A Yes. Although, it should be -- I should 7 also clarify that not everybody in One Less is a 8 rape survivor. There are people who are 9 interested in facilitating a less hostile campus. 10 Q But Jackie was a part of One Less because 11 of her rape; isn't that correct? 12 A Yes. 13 Q And she was introduced to Emily Renda 14 through Dean Eramo, and Emily Renda got Jackie 15 involved in One Less; isn't that correct? 16 A Yes. 17 Q And your understanding is that the bottle 18 incident resulted from Jackie's participation in 19 One Less; is that correct? 20 A Yes. Because she was very outspoken about 21 it, as she says here on page 4168. 22 Q Ms. [REDACTED] communicated to you that she 23 was hit with a bottle right below her eye; is that 24 correct? 25 A Yes.</p> <p style="text-align: right;">[Page 71]</p>	<p>1 But you remember having dinner with 2 Ms. [REDACTED] on the night of September 11th? 3 A Yes. 4 Q And you had asked, and Ms. [REDACTED] gave 5 you, the names of individuals for you to contact 6 for your reporting; is that correct? 7 A Yes. 8 Q And one of those names was Eliza; is that 9 correct? 10 A Yes. 11 Q And Ms. [REDACTED] gave you Eliza's e-mail 12 address; isn't that correct? 13 A Yes. 14 Q And she was the -- Jackie's go-to person 15 when the beer bottle was thrown at Ms. [REDACTED] 16 isn't that correct? 17 A That's what she told me, yes. 18 Q What steps did you take before publication 19 to reach out to Eliza? 20 A I don't recall reaching out to Eliza. 21 Instead, to substantiate the beer bottle incident, 22 I got in touch with the police department to get a 23 copy of the report. 24 Q I'm going to hand you what's been marked 25 as Plaintiff's Exhibit 522.</p> <p style="text-align: right;">[Page 73]</p>

<p>1 (E-mail from Sabrina Rubin 2 Erdely dated December 11, 2014 3 Bates stamped RS020497 was 4 referenced as Plaintiff's 5 Exhibit 522.) 6 Q Plaintiff's Exhibit 522 appears to be an 7 e-mail to Eliza on December 11th, 2014. 8 Do you see that? 9 A Yes. 10 Q Did you send this e-mail to Eliza? 11 A I did. 12 Q Was that the first e-mail, first attempt, 13 to speak to Eliza? 14 A Yes. 15 Q You can set that aside. 16 Turn back, now, to where we were, 4169. 17 In the middle of the page, you ask Ms. [REDACTED] 18 "What did Dean Eramo say something about doing 19 something about this fraternity?" 20 Did you ask that question? 21 A I'm sorry, I think I'm on the wrong page. 22 Q 4169. 23 A Okay, yes. 24 Q Is that a yes? 25 A Yes.</p> <p style="text-align: right;">[Page 74]</p>	<p>1 MS. LOCKE: 4300. 2 Q You're welcome to flip back to 4297 just 3 to orient yourself with the file. This is your 4 interview with Laura Dunn on August 14th. 5 Did you, in fact, interview Ms. Dunn on 6 August 14th? 7 A Yes. 8 Q You -- in your interview with Ms. Dunn, 9 and it's at the top of 4300, you tell Ms. Dunn 10 about Jackie's alleged gang rape, that she was 11 raped at a fraternity by seven men, it was 12 orchestrated by two men who didn't take part, but 13 who told the seven others what to do. 14 Do you see where I am? 15 A Yes. 16 Q Did you communicate that information to 17 Ms. Dunn? 18 A I did. 19 Q Let me step back. 20 Who is Ms. Dunn? 21 A She is a -- she has an organization called 22 Serve Justice that helps -- she's a -- she's an 23 advocate for sexual assault survivors and helps to 24 educate the public about Title IX. 25 Q And you ultimately quoted Ms. Dunn in "A</p> <p style="text-align: right;">[Page 76]</p>
<p>1 Q And Ms. [REDACTED] tells you that there's a 2 plan to get two more sources to come forward in 3 order to take away the Phi Psi charter; isn't that 4 correct? 5 A Yes. I was, I was struck by the 6 strangeness of this plan. The idea that they 7 would need two or three allegations in order to 8 take any kind of action against the fraternity. 9 Q And you understood, at this time, that two 10 UVa deans were working on an investigation to help 11 remove the Phi Psi charter; isn't that correct? 12 A I didn't understand -- no, I didn't take 13 that as understanding that there were two deans 14 working on it. I understood that the dean -- that 15 Dean Eramo was working on it, and that she had 16 consulted with another dean. I didn't know that 17 he was actually working on it. 18 Q But that Dean Eramo was working on it and 19 that she had consulted with another dean at UVa on 20 this plan; isn't that correct? 21 A Yes. 22 Q If you could direct your attention to 23 Bates 433 -- I'm sorry, 4300, on Plaintiff's 24 Exhibit 387. 25 MS. McNAMARA: I'm sorry, what page?</p> <p style="text-align: right;">[Page 75]</p>	<p>1 Rape on Campus"; isn't that correct? 2 A Yes, she's a very respected expert. 3 Q So, here in your interview, you told 4 Ms. Dunn that the victim told the dean about it, 5 being the gang rape, in the spring, but wasn't 6 sure that she wanted to pursue anything and 7 elected not to submit any type of an official 8 report. And while she took her time making up her 9 mind over the year and a half, she and the dean 10 were in frequent contact. Okay, let's stop there. 11 "Knowing what the dean knows, what is her 12 responsibility to the campus?" 13 Did you ask Ms. Dunn that question? 14 A Yes. 15 Q And communicated that information that we 16 just went through to Ms. Dunn, correct? 17 A Yes. 18 Q Is it fair to say you told Ms. Dunn 19 that -- or communicated to Ms. Dunn that, 20 Ms. [REDACTED] told Dean Eramo where the assault 21 occurred, or at least suggested to Ms. Dunn that 22 Dean Eramo knew where the assault occurred? 23 MS. McNAMARA: Objection. 24 Mischaracterization of the notes. 25 A I communicated to Laura Dunn that her</p> <p style="text-align: right;">[Page 77]</p>

<p>1 allegation was that she was gang raped at a 2 fraternity. I also knew, at the time, because I 3 had asked Jackie for, and she had furnished me 4 with e-mail communications between her and Dean 5 Eramo, that Dean Eramo was aware that her 6 allegation is that she was assaulted by multiple 7 men. And Jackie had also told me, in her 8 description of how she told Dean Eramo, was that 9 they took -- I don't want to misquote, but that 10 they took her into a room.</p> <p>11 From all of that -- she also told me that 12 she told Dean Eramo everything. So, from that, I 13 was working with the understanding that Dean Eramo 14 knew that it happened at a fraternity.</p> <p>15 Q Were you working with the assumption that 16 Dean Eramo knew that it happened at Phi Psi?</p> <p>17 MS. McNAMARA: At what point in time are 18 you asking?</p> <p>19 MS. LOCKE: Well, let me ask it this way.</p> <p>20 Q What steps did you take to learn whether 21 Dean Eramo knew that Jackie was alleging that her 22 gang rape occurred at Phi Psi?</p> <p>23 A Well, ultimately -- well, first of all, my 24 very -- one of my initial communications with 25 Emily Renda, she was the one who told me that it</p> <p style="text-align: right;">[Page 78]</p>	<p>1 discovered, after, that Dean Eramo herself had had 2 a meeting with Jackie and her friend Alex 3 Pinkleton confirming that she had been in touch 4 with people having to do with Phi Psi in order to 5 further investigate it, I certainly knew.</p> <p>6 This was all confirmation that, that, that 7 Dean Eramo and UVa knew that Phi Psi was the 8 fraternity where the allegations were being made.</p> <p>9 Q My question is a little bit different.</p> <p>10 The meeting between Dean Eramo, Alex 11 Pinkleton, and Jackie was in the spring of 2014, 12 correct?</p> <p>13 A No. That was in September when I came to 14 campus.</p> <p>15 Q Oh, September 2014. So, the fall of 2014.</p> <p>16 What steps did you take to confirm whether 17 Jackie told Dean Eramo that her attack was at Phi 18 Psi when she first reported it to the university?</p> <p>19 A Well, I made multiple attempts to 20 interview Dean Eramo. And I'm sure you can see in 21 my notes the number of times that I insisted to 22 their PR department that I wanted to speak with 23 her. I reached out to Dean Eramo directly, at 24 first, and was told that I could interview her. 25 And that interview was very abruptly canceled,</p> <p style="text-align: right;">[Page 80]</p>
<p>1 happened at Phi Psi, and she was telling me that 2 as an employee of the university who worked very 3 closely with Dean Eramo.</p> <p>4 So, from the outset, I was under the 5 impression that Dean Eramo knew it was at Phi Psi.</p> <p>6 Q Right. But your first interview with 7 Ms. Renda, as we saw, was in July of 2014, just a 8 few months before the article was published.</p> <p>9 What steps did you take to understand 10 whether Dean Eramo knew that it was at Phi Psi 11 when Jackie originally reported it to Dean Eramo?</p> <p>12 MS. McNAMARA: Objection. Other than what 13 she's already testified to?</p> <p>14 MS. LOCKE: Yes.</p> <p>15 A Well, I took many steps -- I mean, there 16 were many levels of confirmation that the 17 university knew that Phi Psi was the fraternity we 18 were talking about. And let's not forget, Jackie 19 gave the information to Dean Eramo, who gave the 20 information to University of Virginia, who then 21 took action against Phi Psi.</p> <p>22 So, when in the fall I discovered that 23 there was an investigation against Phi Psi, and 24 that was something I confirmed with President 25 Sullivan, with the national organization, and I</p> <p style="text-align: right;">[Page 79]</p>	<p>1 despite my fact, and over my objections, that she 2 was the most knowledgeable person on campus about 3 all of these things.</p> <p>4 Q So let's --</p> <p>5 A Do you mind if I finish? I was also told 6 by the PR department that Dean Eramo, or anybody 7 on campus, was not going to be willing to answer 8 any questions having to do with any conversations 9 that anybody had with students under FERPA.</p> <p>10 So, I don't know -- I don't know what 11 you're suggesting in terms of how I could confirm 12 what it was that Jackie specifically told Dean 13 Eramo in certain meetings. What I had to go on 14 was what Jackie told me. And Jackie told me that 15 she told Dean Eramo everything.</p> <p>16 Q When did UVa learn that Phi Psi was the 17 place that Jackie alleged her gang rape happened?</p> <p>18 A You would have to ask UVa.</p> <p>19 Q After your interview with Dean Eramo was 20 canceled, what other steps did you take to learn 21 whether Dean Eramo knew that Phi Psi was the 22 fraternity that Jackie alleged, at the time Jackie 23 alleged -- when she first alleged that she was 24 assaulted, that she told Dean Eramo that 25 information? Was Jackie your only source for</p> <p style="text-align: right;">[Page 81]</p>

<p>1 that?</p> <p>2 A I took a lot of steps to corroborate that</p> <p>3 Jackie, that Jackie told everybody in her circle</p> <p>4 that her rape had taken place at Phi Psi. I</p> <p>5 interviewed many people in One Less who Dean</p> <p>6 Eramo -- which is an organization that Dean Eramo</p> <p>7 was very closely affiliated with.</p> <p>8 She had told Emily Renda, Alex Pinkleton,</p> <p>9 Sara Surface knew, Annie Forrest knew, all these</p> <p>10 people knew that this had taken place at Phi Psi.</p> <p>11 It defies logic that Dean Eramo wouldn't know that</p> <p>12 it had taken place in Phi Psi. If she didn't</p> <p>13 know, it would be because she didn't ask. And it</p> <p>14 defies -- I mean, it's hard for me to believe, as</p> <p>15 a responsible administrator, that she wouldn't</p> <p>16 have asked.</p> <p>17 Q But you had testified earlier that it</p> <p>18 didn't surprise you that Jackie was, at first, in</p> <p>19 her interview with you, unwilling to identify her</p> <p>20 fraternity.</p> <p>21 Why does that not apply to Dean Eramo?</p> <p>22 A But she did identify the fraternity almost</p> <p>23 immediately with me.</p> <p>24 Q But what steps did you take that she did</p> <p>25 the same thing with Dean Eramo, and what source do</p> <p style="text-align: right;">[Page 82]</p>	<p>1 Going back to Ms. Dunn, after you tell</p> <p>2 Ms. Dunn the story of Jackie's alleged gang rape,</p> <p>3 Ms. Dunn says -- if you turn the page to 4301,</p> <p>4 Ms. Dunn responds to a couple of other questions</p> <p>5 that you have and she says to you, "I don't think</p> <p>6 it's true under both Title IX and Cleary, allow</p> <p>7 people who are not victims to report. It's not</p> <p>8 what the victim -- when the victim tells them,</p> <p>9 it's when the report is received. The fact that</p> <p>10 they are already -- that they already had the</p> <p>11 victim's report, they should have already been</p> <p>12 taking actions. And for them to continue to delay</p> <p>13 as if they needed other victims is just not true.</p> <p>14 That school really could be sued."</p> <p>15 Do you see where I am?</p> <p>16 A Yes.</p> <p>17 Q Then you go on to say, "I've had the same</p> <p>18 thought. I have to level with you here. This</p> <p>19 dean, she's a huge comfort to survivors, they love</p> <p>20 her. But not everything that's been said about</p> <p>21 her has rubbed me the right way. Because, at the</p> <p>22 end of the day, these cases aren't being dealt</p> <p>23 with. It feels as though she is coddling these</p> <p>24 survivors, making them feel better. But unclear</p> <p>25 if she is encouraging them to report."</p> <p style="text-align: right;">[Page 84]</p>
<p>1 you have, other than Jackie, to say that she did?</p> <p>2 MS. McNAMARA: Objection.</p> <p>3 Other than what -- she's already testified</p> <p>4 enumerable steps that she took. Are you asking</p> <p>5 her if she took any additional steps?</p> <p>6 Q I'm asking if you have any other source,</p> <p>7 other than Jackie, about that Dean Eramo knew, at</p> <p>8 the first meeting when Jackie reported her rape,</p> <p>9 do you have any other source to corroborate that</p> <p>10 Dean Eramo had that information at that time?</p> <p>11 MS. McNAMARA: And, again, you're asking</p> <p>12 her other than what she's already testified to,</p> <p>13 because she's testified at great length about</p> <p>14 this.</p> <p>15 A I think I've already said this, but there</p> <p>16 were only -- as far as I'm aware, there were only,</p> <p>17 I mean, there was Jackie at that meeting, there</p> <p>18 was Dean Eramo at that meeting. And Jackie is a</p> <p>19 source who I came to trust greatly. I completely</p> <p>20 believed in her credibility. She told me that she</p> <p>21 told Dean Eramo everything, and I believed her.</p> <p>22 Q And was she the only one that provided you</p> <p>23 that information?</p> <p>24 A Yes.</p> <p>25 Q Thank you.</p> <p style="text-align: right;">[Page 83]</p>	<p>1 Did you communicate that to Ms. Dunn?</p> <p>2 A I did. This was the beginning of my</p> <p>3 understanding of the policy of victim choice that</p> <p>4 is operated on a lot of campuses. And I was</p> <p>5 trying to reconcile the idea that so many people</p> <p>6 really loved and appreciated Dean Eramo, and yet</p> <p>7 so few of these cases seemed to move forward.</p> <p>8 Q And you go on, ultimately to quote</p> <p>9 Ms. Dunn using that coddling language, don't you?</p> <p>10 A I need to look at the article.</p> <p>11 Q I'm going to hand you what's been marked</p> <p>12 as Plaintiff's Exhibit 1.</p> <p>13 ("A Rape on Campus" by Sabrina</p> <p>14 Rubin Erdely Bates stamped</p> <p>15 RS001070 through 1079 was</p> <p>16 referenced as Plaintiff's</p> <p>17 Exhibit 1.)</p> <p>18 Q I direct your attention to Bates 1076 in</p> <p>19 the middle column -- I take that back.</p> <p>20 MS. McNAMARA: I was going to say.</p> <p>21 Q You use the coddling language in the, in</p> <p>22 the article; isn't that correct, Ms. Erdely?</p> <p>23 A Again, that was just my -- maybe that was</p> <p>24 a poor choice of words, but that was my beginning</p> <p>25 of understanding, you know, this gap between how,</p> <p style="text-align: right;">[Page 85]</p>

<p>1 how good and secure Dean Eramo made the students 2 feel, and the fact that not many of them moved 3 forward with their complaints. 4 Q Were you being sincere when you told 5 Ms. Dunn that you had to level with her? 6 A I'm always sincere. 7 Q When you told her that not everything 8 that's been said about Dean Eramo has rubbed you 9 the right way, were you being sincere when you 10 said that? 11 A It's precisely what I just articulated. 12 What didn't rub me the right way is, I didn't 13 understand, if these kids saw her as being so 14 wonderful and their best advocate, why more of 15 their cases hadn't moved forward. That was just 16 an inconsistency that did rub me the wrong way. 17 Q Were you being sincere that you told her 18 that it feels like Dean Eramo was coddling these 19 survivors? 20 A Again, maybe that was a poor choice of 21 words in the moment. But I did feel as though she 22 was making them feel better, but it was unclear to 23 me whether she was encouraging them to move 24 forward. 25 Q My question was a little bit different.</p> <p style="text-align: right;">[Page 86]</p>	<p>1 empower the victim by setting aside various 2 choices, all of which are presented in a neutral 3 and equal way so that the victim can decide for 4 herself or himself what they want to do. 5 And as I came to discover, it often has 6 the, the end result of the victim deciding to do 7 nothing. 8 Q Setting aside whether you intended to 9 convey any intentionality in this statement, all 10 I'm asking is: Were you sincere when you 11 communicated to Ms. Dunn that it feels as though 12 Dean Eramo is coddling the survivors making them 13 feel better? 14 MR. CHEW: Objection. Asked and answered. 15 MS. McNAMARA: Yeah, and, honestly, I 16 don't know what you mean by "sincere" in this 17 context. I don't know what "sincere" means in 18 this. What does -- can you amplify what you 19 mean by "sincere" in this context? 20 MS. LOCKE: Don't you know what "sincere" 21 means? I mean, we're talking about whether -- 22 MS. McNAMARA: I don't, actually, in this 23 context, what you mean when you're talking to 24 reporters. 25 Q Were you making it up?</p> <p style="text-align: right;">[Page 88]</p>
<p>1 Were you being sincere when you told 2 Ms. Dunn that it feels like Dean Eramo was 3 coddling these survivors? 4 A I was sincere in that I felt that she made 5 them feel -- well, let me ask you this: How are 6 you defining coddling? 7 Q Do you understand what the word coddling 8 means? 9 A I do. And the way I am defining it here 10 is that I felt -- what I was talking about was the 11 experience of these survivors that they -- they 12 felt that they were made safe and secure, and they 13 ultimately didn't feel the need to move forward. 14 Q And you were sincere in that belief when 15 you communicated it to Ms. Dunn? 16 A I wasn't communicating any kind of 17 intentionality here. I wasn't saying -- I wasn't 18 making any judgment about what Dean Eramo's 19 motivation was in terms of why she was making the 20 survivors feel this way. I was simply saying that 21 she made them feel better, but it was unclear to 22 me whether she was encouraging them to report. 23 And again, this was the beginning of my 24 understanding of the whole concept of victim 25 choice. And setting aside -- and trying to</p> <p style="text-align: right;">[Page 87]</p>	<p>1 MS. McNAMARA: Excuse me, I'm speaking. 2 I don't know, when a reporter is asking a 3 source in questions, I don't know what 4 "sincere" means in that context. 5 MS. LOCKE: I don't view this as a 6 question. 7 Q Were you asking her a question? It says, 8 "It seems as though she is coddling these 9 survivors, making them better, but it's unclear if 10 she's encouraging them to report." It seems like 11 a declarative statement, to me. 12 So, I'm asking, did you believe that Dean 13 Eramo was coddling these survivors, or did you not 14 believe that? 15 A I was communicating a possible opinion. 16 You know, this was a reporting process where I was 17 following the reporting as it was coming together. 18 So, this was an opinion that is beginning 19 to take shape, and I was running it by an expert 20 to see what she thought of it. I had not come to 21 any -- I had not come to any conclusive opinion. 22 This was a question that I was asking, that I was 23 bouncing off of her. 24 Q Were you sincere in asking the question as 25 to whether Dean Eramo was encouraging victims to</p> <p style="text-align: right;">[Page 89]</p>

<p>1 report their rapes? Did you sincerely hold that 2 belief?</p> <p>3 MR. CHEW: Objection. It's been asked and 4 answered several times.</p> <p>5 MS. LOCKE: No, I asked it with respect to 6 "coddling." I didn't ask it with respect to 7 "reporting." I think my question still stands.</p> <p>8 A Can you rephrase the question?</p> <p>9 Q Were you sincere in asking Ms. Dunn, in 10 asking her whether it's -- whether Dean Eramo was 11 encouraging them to report, survivors to report 12 their rape?</p> <p>13 MS. McNAMARA: Objection. 14 Mischaracterizes.</p> <p>15 It might be better if you ask the 16 question, did you believe. I find "sincere" 17 very odd in this context.</p> <p>18 MS. LOCKE: Thanks Liz, but I'll take the 19 deposition the way I'm going to take it.</p> <p>20 A As I was learning about the process of 21 reporting these, these sexual assaults, it was 22 unclear to me what the process was once a report 23 was made. And whether that process encouraged 24 people to make -- to continue down the path of 25 reporting or not. And that is what I was</p> <p style="text-align: right;">[Page 90]</p>	<p>1 I'd ask you to look at Plaintiff's Exhibit 208 to 2 confirm that that's correct.</p> <p>3 A Okay, yes.</p> <p>4 Q And during that interview two pages over 5 on 4240, Ms. [REDACTED] at the bottom of 4240, tells 6 you that she wore a red dress on the night of her 7 rape; is that correct?</p> <p>8 A Yes.</p> <p>9 Q And you asked her, on the following page, 10 4241, what she eventually did with the dress, if 11 she got rid of it, at the bottom of the page.</p> <p>12 Do you see that?</p> <p>13 A Yes.</p> <p>14 Q And she told you she didn't know what her 15 mother did with the dress, correct?</p> <p>16 A Right. First she told me in great detail 17 what she did with the dress, that she shoved it in 18 the bottom of her closet. And then, when they 19 were moving out, she had her mother take it and 20 she told her, "I want you to burn it, I never want 21 to see it again."</p> <p>22 So, I'm not sure what she did with it.</p> <p>23 Q And then on the following page, 4242, you 24 ask her -- you confirm that the dress was red, and 25 you ask her about the blood and whether it was</p> <p style="text-align: right;">[Page 92]</p>
<p>1 articulating to this expert.</p> <p>2 Q In "A Rape on Campus," you write, "Setting 3 aside for a moment the absurdity of a school 4 offering to handle the investigation and 5 adjudication of a felony sex crime, something 6 Title IX requires, but which no university on 7 Earth is equipped to do, the sheer menu of 8 choices, paired with the reassurance that any 9 choice is the right one, often has the end result 10 of coddling the victim into doing nothing."</p> <p>11 Did you write those words?</p> <p>12 A Yes.</p> <p>13 Q Do you stand by those words?</p> <p>14 A Yes.</p> <p>15 Q You said coddling in the context of your 16 conversation with Ms. Dunn was a poor choice of 17 words. Was it a poor choice of words when you 18 used them in "A Rape on Campus"?</p> <p>19 A I think it was accurate.</p> <p>20 Q I direct your attention to, a little bit 21 backwards in Plaintiff's Exhibit 387, to Bates 22 4238.</p> <p>23 This is another instance where I believe 24 that this is an interview with Ms. [REDACTED] on or 25 around September 30th at 8:00 p.m., but for which</p> <p style="text-align: right;">[Page 91]</p>	<p>1 very evident against the dress.</p> <p>2 Is that correct?</p> <p>3 A Yes.</p> <p>4 Q You also ask her, a little bit further 5 down, to speak with Ryan about the possibility of 6 speaking with you; is that correct?</p> <p>7 A Yes. I'm just looking for where that is.</p> <p>8 Q It's just below where it says, the bold, 9 where it says "It wasn't evident."</p> <p>10 A Oh, yes.</p> <p>11 Q It's the following next paragraph. 12 Do you see that paragraph?</p> <p>13 A Yes.</p> <p>14 Q And did you ever ask for Ryan's last name?</p> <p>15 A I did. In my first interview with Jackie, 16 I asked for Ryan, Kathryn, and Alex's names and 17 contact information.</p> <p>18 Q What did Ms. [REDACTED] say to you?</p> <p>19 A She said that she would prefer to get in 20 touch with Ryan because he was the friendliest of 21 the three. She led me to believe that the other 22 two were not on friendly terms with her.</p> <p>23 Q Did she provide you with any of their last 24 names?</p> <p>25 A She did not.</p> <p style="text-align: right;">[Page 93]</p>

<p>1 Q Did that raise a red flag, in your mind, 2 as to why Jackie would not provide you last names 3 of her three friends?</p> <p>4 A No. She had made it clear that she was 5 not on very good terms with any of them, 6 particularly with Kathryn and Alex, who she 7 described as being -- as having a strained 8 relationship with.</p> <p>9 Q Do you believe that Jackie's not being on 10 good terms with those two friends absolved you of 11 journalistic obligation to reach out to them for 12 comment?</p> <p>13 MS. McNAMARA: Objection. Lack of 14 foundation.</p> <p>15 A No. I actually -- I actually was very 16 persistent in trying to get in touch with these 17 three friends. I thought that my entree to them 18 was going to be through Ryan, who she had 19 characterized to me as being the friendliest of 20 the three.</p> <p>21 Q And you did ask Jackie a number of times, 22 over the course of your reporting, to get in touch 23 with Ryan for you; is that correct?</p> <p>24 A Many, many times, yes.</p> <p>25 Q And, ultimately, Jackie told you that Ryan</p> <p style="text-align: right;">[Page 94]</p>	<p>1 Pinkleton. I didn't find a Kathryn, although I 2 was misspelling her name at the time. I was 3 spelling it with a "C."</p> <p>4 But I was working under the assumption 5 that she seemed pretty secure that she was going 6 to get Ryan to talk to me. And by the time I got 7 to campus and I had a better understanding of the 8 kind of resistance that she was getting to 9 speaking to me, it made -- it made sense, a 10 certain amount of sense, that Ryan would be so 11 resistant to not being in the article.</p> <p>12 And if Ryan was so resistant, then, then 13 certainly the people who had an, what sounded 14 like, an active dislike for her, or she was on 15 negative terms with, would not be cooperative, as 16 well.</p> <p>17 Q But it was Jackie who ultimately refused 18 to give you their last names; is that correct?</p> <p>19 A She never outright refused. I would say 20 she continually sized-up me.</p> <p>21 Q I direct your attention to 4244. In the 22 middle of the page, Ms. [REDACTED] communicates to 23 you, "People have asked me, 'Why didn't you just 24 have fun with it, especially if they are a bunch 25 of hot frat guys?' And I couldn't tell if she was</p> <p style="text-align: right;">[Page 96]</p>
<p>1 wasn't willing to speak with you; isn't that 2 correct?</p> <p>3 A Yes. He -- she told me that he was -- 4 that he was very unwilling, and that he actually 5 told her in the strongest possible terms.</p> <p>6 Q What steps did you take to verify that 7 Mr. Duffin actually wasn't willing to speak with 8 you, other than having Jackie tell you so?</p> <p>9 A Jackie, at that point, was a -- I took her 10 as a very credible source. And I took her at her 11 word that he did not want to speak.</p> <p>12 I actually, later that -- no, not that 13 night. The following night, I actually followed 14 up with her friend Alex Pinkleton to ask her if 15 she would provide me with that information, and 16 Alex said -- she deflected me and said, no, she 17 would have to ask Jackie to see if that was okay.</p> <p>18 Q So, it's fair to say that Jackie was the 19 roadblock in you getting Ryan, Alex, and Kathryn's 20 last name?</p> <p>21 A Well, I tried -- I had tried in other 22 ways. I mean, earlier on, I had looked for their 23 names through Jackie's Facebook page, looking 24 through her friends. I didn't find a Ryan.</p> <p>25 The only Alex that I found was Alex</p> <p style="text-align: right;">[Page 95]</p>	<p>1 kidding or if she was serious. She had a very 2 serious look on her face. And I was, like, 3 because that was something I didn't want."</p> <p>4 And you asked, "Who asked you that and 5 where?" And she responds, "It was actually at a 6 get-together at my apartment and I just had a few 7 friends over, and some friends brought their 8 friends. And one girl who was actually in One 9 Less, and she's never been assaulted or anything, 10 she just has a very limited understanding."</p> <p>11 Jackie doesn't tell you here that Kathryn 12 Hendley, a.k.a. Cindy in the article, actually 13 said those words, does she?</p> <p>14 A No, she does not.</p> <p>15 Q Where in your notes is it reflected that 16 Kathryn Hendley said those words as it's portrayed 17 in "A Rape on Campus"?</p> <p>18 A Further in. I couldn't tell you exactly 19 where, but she -- she does tell me in a further -- 20 in a later interview that -- we revisit the "Why 21 didn't you just have fun with it" quote, and then 22 she tells me that it was the -- I would have to 23 find it in the notes.</p> <p>24 Q Maybe we can do that on a break.</p> <p>25 A Okay. But I remember her -- just to make</p> <p style="text-align: right;">[Page 97]</p>

<p>1 a mental note here, with a keyword, it was when</p> <p>2 she talked about her former best friend, the one</p> <p>3 from that night.</p> <p>4 Q But Jackie first told you it was a girl</p> <p>5 from One Less who didn't have an understanding;</p> <p>6 isn't that correct?</p> <p>7 MS. McNAMARA: Who didn't have an</p> <p>8 understanding?</p> <p>9 Q Whose never been assaulted and has a very</p> <p>10 limited understanding, that's what Jackie</p> <p>11 originally told you who said that quote; isn't</p> <p>12 that correct?</p> <p>13 A Yes.</p> <p>14 Q And then later she tells you, somewhere in</p> <p>15 your reporting file, we'll find it later, she</p> <p>16 attributes it to Kathryn Hendley?</p> <p>17 A Yes.</p> <p>18 Q Did that create a red flag for you?</p> <p>19 A I actually didn't notice any inconsistency</p> <p>20 there.</p> <p>21 Q On 4246, in the top third of the page, you</p> <p>22 say, "Okay, getting back to your story, at what</p> <p>23 point did you tell Dean Eramo about your rape?</p> <p>24 Was this at the end of your second year [sic]?"</p> <p>25 Do you see that?</p> <p style="text-align: right;">[Page 98]</p>	<p>1 Q And she explained that it was traumatic</p> <p>2 because the mock trial issue was a scenario that</p> <p>3 was very similar to an experience that Alex</p> <p>4 Pinkleton had; is that right?</p> <p>5 A Yes.</p> <p>6 Q And you asked Ms. [REDACTED] about the</p> <p>7 outcome of the mock trial; is that correct?</p> <p>8 A Yes.</p> <p>9 Q And Ms. [REDACTED] told you that the outcome</p> <p>10 was inconclusive because it just showed both sides</p> <p>11 of the story, and that both Ms. [REDACTED] and Alex</p> <p>12 Pinkleton were furious about the outcome; isn't</p> <p>13 that correct?</p> <p>14 A Yes.</p> <p>15 Q I want to direct your attention to 4264 in</p> <p>16 an interview that you had with Ms. Pinkleton. And</p> <p>17 particularly, on 4265, the top of the page, you</p> <p>18 ask Ms. Pinkleton about the same mock trial that</p> <p>19 we were just speaking about with Ms. [REDACTED]</p> <p>20 correct?</p> <p>21 A Yes.</p> <p>22 Q And you say, "At the end of the mock</p> <p>23 trial, what was the outcome?" And Ms. Pinkleton</p> <p>24 says, "The rape -- the individual who committed</p> <p>25 the rape, was guilty. So, they said that they</p> <p style="text-align: right;">[Page 100]</p>
<p>1 A The end of second semester?</p> <p>2 Q Of second semester, thank you.</p> <p>3 And then you ask her later, "Can you tell</p> <p>4 me what that was like, telling her?"</p> <p>5 And then Ms. [REDACTED] responds, "It's very</p> <p>6 scary. I mean, Nicole, have you met her? She has</p> <p>7 such a warm demeanor."</p> <p>8 Did Ms. [REDACTED] communicate to you that</p> <p>9 Dean Eramo has a warm demeanor?</p> <p>10 A Yes.</p> <p>11 Q In the article, however, you describe Dean</p> <p>12 Eramo's demeanor as no-nonsense; isn't that</p> <p>13 correct?</p> <p>14 A That is exactly the way it was described</p> <p>15 to me when Jackie reported her rape. I also think</p> <p>16 that she -- I mean, she was described to me, by</p> <p>17 many people, as being a warm person who is also</p> <p>18 very professional. And that's something that I</p> <p>19 watched, for example, when I watched the UVa video</p> <p>20 before it went to publication, that she seems like</p> <p>21 a very professional, no-nonsense kind of person.</p> <p>22 Q On 4247, Ms. [REDACTED] also tells you about</p> <p>23 the mock trial she attended with Alex Pinkleton;</p> <p>24 isn't that right?</p> <p>25 A Yes.</p> <p style="text-align: right;">[Page 99]</p>	<p>1 could have decided on a lot of different</p> <p>2 punishments, but that it would probably be that</p> <p>3 his degree would be taken away, or he would leave,</p> <p>4 have a leave of absence at some point."</p> <p>5 Did Ms. Pinkleton communicate that to you?</p> <p>6 A Yes.</p> <p>7 Q This was different than what Ms. [REDACTED]</p> <p>8 communicated to you about the outcome of the mock</p> <p>9 trial; isn't that correct?</p> <p>10 A It is. It seemed to me of that somebody</p> <p>11 wasn't remembering it correctly. And that's why I</p> <p>12 asked a third person, Matt, who attended it as</p> <p>13 well, about the same exact scenario, and he could</p> <p>14 not remember, I believe, what the outcome was.</p> <p>15 Q But it was enough of an issue for you,</p> <p>16 that someone was -- that there were two different</p> <p>17 stories, that you asked a third person; is that</p> <p>18 correct?</p> <p>19 A It's pretty typical that people have</p> <p>20 different memories of the same event. So I, I</p> <p>21 checked with a third person thinking that perhaps</p> <p>22 this would wind up in the article. At the end, it</p> <p>23 didn't wind up in the article, so it was of no</p> <p>24 consequence.</p> <p>25 Q Did it raise a red flag for you that</p> <p style="text-align: right;">[Page 101]</p>

<p>1 Ms. [REDACTED] had a different outcome -- that she 2 remembered a different outcome than Ms. Pinkleton? 3 A No, it didn't concern me. 4 Q I'm going to direct your attention to 5 4250. About a third of the way down the page, you 6 said, "Going back to your story. When Dean Eramo 7 laid out all the possibilities for you how you 8 might proceed, did you say right then and there 9 that you didn't want to do it, or did you say 10 you'd think about it?" 11 And Ms. [REDACTED] communicated to you that 12 she was going to think about steps moving forward; 13 isn't that correct? 14 A Yes. 15 Q She communicated to you that Dean Eramo 16 e-mailed her once or twice that summer asking her 17 about that decision; isn't that correct? 18 A Yes. 19 Q And that the following fall, Dean Eramo 20 asked her again about that decision; isn't that 21 correct? 22 A Yes. 23 Q And Ms. [REDACTED] told you that she told -- 24 that she wanted to focus on healing emotionally; 25 isn't that correct?</p> <p style="text-align: right;">[Page 102]</p>	<p>1 that Dean Eramo had asked Jackie, on multiple 2 occasions, to consider moving forward with some 3 kind of prosecution of her perpetrators; isn't 4 that correct? 5 A Yes, that's correct. And, in fact, if we 6 can look at the article for a second, I mention 7 that, even as late as the time that Jackie told -- 8 on page 1078, I mention that, even as late as the 9 point where Jackie, in May 2014, told Dean Eramo 10 about the other two allegations and about her 11 own -- and about the bottle incident, I say, at 12 the bottom of the page here, that they had a 13 discussion about filing a complaint, but that she 14 didn't feel ready to file a complaint and that 15 Eramo has always understood that she did not feel 16 ready to file a complaint. 17 Q I want to direct your attention to 4309. 18 This is what I believe is your third interview 19 with Ms. [REDACTED] 20 And it says, "8/11, left long detailed 21 message with all of the below. And 8/13, left 22 another message." 23 So, this is sometime in the mid-August 24 range; is that fair to say? 25 A Yes.</p> <p style="text-align: right;">[Page 104]</p>
<p>1 A Yes. 2 Q And she told you that Dean Eramo asked 3 her, Ms. [REDACTED] again, after the bottle 4 incident, if she wanted to press police charges; 5 isn't that correct? 6 A Yes. All of this is reflected in the 7 article, by the way. 8 Q And Ms. [REDACTED] also asked you -- told you 9 that she and Dean Eramo revisited the idea of a 10 different trial in a different -- and moving 11 forward in some way against her assailants; isn't 12 that correct? 13 A Yes. 14 Q You understood that Ms. [REDACTED] was saying 15 that she and Dean Eramo was revisiting the idea of 16 a trial for her sexual assault; isn't that 17 correct? 18 A Yes. I understood that, that Jackie and 19 Dean Eramo were in communication, and that that 20 was something that made Jackie feel very secure, 21 and that, and that -- and this was substantiated 22 in the e-mails that Jackie furnished to me and 23 it's reflected in the article. 24 Q And it's fair to say that, as of the date 25 of this interview with Ms. [REDACTED] that you knew</p> <p style="text-align: right;">[Page 103]</p>	<p>1 Q On 4310, you ask Ms. [REDACTED] if she's 2 heard back from the first year. 3 Do you see that? 4 A Yes. 5 Q And you were pressing Jackie on these 6 other alleged rape victims because it was 7 important to you to verify what Jackie was telling 8 you; isn't that correct? 9 A Yes. 10 Q On 4/3/12, you ask, bottom of the page, 11 you ask Ms. [REDACTED] if she saw the look on Dean 12 Eramo's face when you told her there was someone 13 else, whether she seemed shocked. And in bold, 14 Ms. [REDACTED] responds, in part, that "Dean Eramo 15 got pissed at the frat. She said two fraternities 16 lost their charter this year and that it wouldn't 17 bother her to add a third." 18 Did Ms. [REDACTED] communicate that 19 information to you? 20 A Yes. 21 Q On plain -- 22 A Can I add something, though? One of the 23 things that made an impression on me was that, as 24 pissed as Jackie said that Eramo was, that there 25 was ultimately no action that was taken by the</p> <p style="text-align: right;">[Page 105]</p>

[27] (Pages 102 to 105)

<p>1 university against the fraternity. That there was</p> <p>2 no -- and these were the things that raised the</p> <p>3 questions that led me to the experts to ask them</p> <p>4 about the tension between victim choice and Title</p> <p>5 IX.</p> <p>6 Because while obviously there was some</p> <p>7 tension here about getting upset at a fraternity,</p> <p>8 it raised the larger question of, well, what does</p> <p>9 this mean for the larger questions of campus</p> <p>10 safety?</p> <p>11 Q Ms. Erdely, do you believe that Jackie was</p> <p>12 actually gang raped, knowing what you know now?</p> <p>13 A I have no way of knowing.</p> <p>14 Q Do you have any belief, whatsoever, as to</p> <p>15 whether she was or was not gang raped?</p> <p>16 A I, I couldn't possibly speculate.</p> <p>17 Q On 4313, you ask Ms. [REDACTED] for the</p> <p>18 police report to verify the bottle throwing</p> <p>19 incident; is that correct?</p> <p>20 A Yes.</p> <p>21 Q And you tell Ms. [REDACTED] "Could you send</p> <p>22 it to me? Anything that's documented, you can</p> <p>23 send to me. I'd love to see. It's never because</p> <p>24 I don't believe you, it's because part of my job</p> <p>25 is double verifying everything that could be</p> <p style="text-align: right;">[Page 106]</p>	<p>1 able to furnish me with a lot of different pieces</p> <p>2 of evidence to back up what she was saying. So,</p> <p>3 this was part of the process of getting some of</p> <p>4 that information.</p> <p>5 Q If you could turn to 4314, at the top of</p> <p>6 the page, you ask if Ms. [REDACTED] saved her e-mail</p> <p>7 correspondence with Dean Eramo. "The e-mails she</p> <p>8 sent you checking in or confirming your meetings,</p> <p>9 could you send me those?"</p> <p>10 Did you ask Ms. [REDACTED] for her</p> <p>11 correspondence with Dean Eramo?</p> <p>12 A Yes, I did.</p> <p>13 Q And Ms. [REDACTED] offered to send you all</p> <p>14 that stuff now; is that correct?</p> <p>15 A Yes.</p> <p>16 Q And Ms. [REDACTED] ultimately did send you a</p> <p>17 couple of documents regarding the -- regarding</p> <p>18 Dean Eramo and -- isn't that correct?</p> <p>19 A Correct.</p> <p>20 Q I'm going to hand you what's been marked</p> <p>21 as Plaintiff's Exhibit 208 and Plaintiff's</p> <p>22 Exhibit 81.</p> <p>23 (E-mail from Jacqueline [REDACTED]</p> <p>24 to Sabrina Rubin Erdely dated</p> <p>25 August 16, 2014 Bates stamped</p> <p style="text-align: right;">[Page 108]</p>
<p>1 double verified. It elevates the material to the</p> <p>2 level of fact."</p> <p>3 Did you communicate that to Ms. [REDACTED]</p> <p>4 A I did, that my job -- that I would like to</p> <p>5 double verify everything that can be double</p> <p>6 verified.</p> <p>7 Q What do you mean that it elevates the</p> <p>8 material to the level of fact?</p> <p>9 A Meaning that, often, if you haven't -- if</p> <p>10 something comes from a single source, you may have</p> <p>11 to qualify it by saying that it comes from a</p> <p>12 single source. If you have a double source, you</p> <p>13 feel secure that, you know, that, that -- I mean,</p> <p>14 the level of fact is just a shorthand of saying</p> <p>15 that, you know, you can simply present it.</p> <p>16 I was not concerned about double verifying</p> <p>17 everything because, first of all, not everything</p> <p>18 could be double verified. But, also, because I</p> <p>19 had total confidence in my source. And she proved</p> <p>20 to be credible in so many different ways. And I</p> <p>21 can go into great detail about that, if you wanted</p> <p>22 me to, at some point.</p> <p>23 But I did want to -- at the same time, I</p> <p>24 did want to see -- and part of the reason why I</p> <p>25 developed such faith in her was because she was</p> <p style="text-align: right;">[Page 107]</p>	<p>1 RS015312 through 15315 was</p> <p>2 referenced as Plaintiff's</p> <p>3 Exhibit 209.)</p> <p>4 (E-mail from Jacqueline [REDACTED]</p> <p>5 to Sabrina Rubin Erdely dated</p> <p>6 August 16, 2014 Bates stamped</p> <p>7 RS017031 through 17042 was</p> <p>8 referenced as Plaintiff's</p> <p>9 Exhibit 81.)</p> <p>10 MS. McNAMARA: Did you give us 208?</p> <p>11 MS. LOCKE: No, I'm sorry, it's</p> <p>12 Plaintiff's Exhibit 209. I apologize.</p> <p>13 MS. McNAMARA: Oh, okay.</p> <p>14 MS. LOCKE: I'm just correcting myself.</p> <p>15 MS. McNAMARA: Thank you.</p> <p>16 MR. CHEW: Thank you.</p> <p>17 Q And 208, I believe you have in front of</p> <p>18 you.</p> <p>19 A Yes.</p> <p>20 Q 208 is not one that we need. It's 81 and</p> <p>21 209.</p> <p>22 Plaintiff's Exhibit 209 and Plaintiff's</p> <p>23 Exhibit 81 are e-mails that Ms. [REDACTED] forwarded</p> <p>24 to you showing her alleged injuries and</p> <p>25 correspondence that she had with Dean Eramo; is</p> <p style="text-align: right;">[Page 109]</p>

<p>1 that correct?</p> <p>2 A Yes.</p> <p>3 Q You can set those aside. We'll come back</p> <p>4 to those, so leave them close by, but, but I want</p> <p>5 to direct your attention to 4315 in your file.</p> <p>6 You tell Ms. [REDACTED] that you wondered if</p> <p>7 Dean Eramo's counseling the survivors, but also,</p> <p>8 in a sense, that the comfort that Dean Eramo is</p> <p>9 giving them, rape survivors, is also keeping them</p> <p>10 quiet.</p> <p>11 Did you communicate that information to</p> <p>12 Ms. [REDACTED]</p> <p>13 MS. McNAMARA: Can you direct her to where</p> <p>14 on this page this is appearing?</p> <p>15 MS. LOCKE: It's the middle of the page,</p> <p>16 about one-third of the way down.</p> <p>17 Q "I've wondered if she's counseling the</p> <p>18 survivors, but also, in a sense, that comfort</p> <p>19 she's giving them is keeping them quiet."</p> <p>20 Did you communicate that to Ms. [REDACTED]</p> <p>21 A Yes. I mean, I'm asking the question of</p> <p>22 whether victim choice is -- which I address in the</p> <p>23 article -- whether victim's choice is ultimately</p> <p>24 helpful to the victims or whether it's actually</p> <p>25 paralyzing to them.</p> <p style="text-align: right;">[Page 110]</p>	<p>1 women. And how -- and I think that she's</p> <p>2 describing the mind field that each individual</p> <p>3 victim presents to a sexual assault administrator.</p> <p>4 Q But, in her response, other than her</p> <p>5 saying, "I think it's a very difficult situation</p> <p>6 for her," she doesn't reference Dean Eramo at all,</p> <p>7 does she?</p> <p>8 A I think she wasn't really answering the</p> <p>9 question. I think that she -- I think that she</p> <p>10 used my question as a launching point for her to</p> <p>11 kind of free-associate about what should be done</p> <p>12 and, in a perfect world, what would happen.</p> <p>13 She returned to the question -- I believe,</p> <p>14 the fact that there's an indentation here,</p> <p>15 indicates to me that I probably gave her some kind</p> <p>16 of prompt. So, I may have asked her again about</p> <p>17 Eramo to redirect her to talk -- to talk about</p> <p>18 Eramo. But I have no reason to believe that she's</p> <p>19 actually talking about Eramo in here.</p> <p>20 Q The very next question you ask, you come</p> <p>21 back to the mock trial and you confront</p> <p>22 Ms. [REDACTED] about the inconsistencies between the</p> <p>23 way Alex and Ms. [REDACTED] understood the mock</p> <p>24 trial; isn't that correct?</p> <p>25 A Yes.</p> <p style="text-align: right;">[Page 112]</p>
<p>1 Q And if you could take a second to just</p> <p>2 read Ms. [REDACTED] response, that paragraph,</p> <p>3 before I ask my next question.</p> <p>4 A Yes.</p> <p>5 Q Ms. [REDACTED] doesn't communicate back to</p> <p>6 you that she believes Dean Eramo is keeping</p> <p>7 survivors quiet, does she?</p> <p>8 A No. She's talking about something that I</p> <p>9 talk about in the article, which is that she's in</p> <p>10 a pretty -- she has a very difficult job.</p> <p>11 Q Ms. [REDACTED] goes on to talk about the way</p> <p>12 victims were dressing and the way -- the guilt</p> <p>13 that victims feel; isn't that correct?</p> <p>14 A Yes.</p> <p>15 Q And Ms. [REDACTED] responds that many victims</p> <p>16 don't want to ruin their attackers lives; isn't</p> <p>17 that correct?</p> <p>18 A Yes.</p> <p>19 Q But she doesn't mention at all Dean Eramo</p> <p>20 in her response, does she, other than, "I think</p> <p>21 it's a very difficult situation for her"; is that</p> <p>22 right?</p> <p>23 A She's addressing all of the things -- all</p> <p>24 of the many things that Dean Eramo has to wade</p> <p>25 through when she's dealing with each individual</p> <p style="text-align: right;">[Page 111]</p>	<p>1 Q I'm going to direct your attention to</p> <p>2 4316.</p> <p>3 You follow up with Ms. [REDACTED] by leaving</p> <p>4 her a message on August 21st; is that correct?</p> <p>5 A Yes.</p> <p>6 Q And then you left a message and sent her</p> <p>7 an e-mail, again, on August 27th; is that correct?</p> <p>8 A Yes.</p> <p>9 Q And then you left a message and sent her</p> <p>10 an e-mail on August 31st. And in the e-mail you</p> <p>11 ask her, "Is everything okay?"</p> <p>12 Is that correct?</p> <p>13 A Yes.</p> <p>14 Q I'm going to hand you what's been marked</p> <p>15 as Plaintiff's Exhibit 180.</p> <p>16 (E-mail from Sabrina Rubin</p> <p>17 Erdely dated August 31, 2014</p> <p>18 Bates stamped RESPJ00000018 was</p> <p>19 referenced as Plaintiff's</p> <p>20 Exhibit 180.)</p> <p>21 Q I just ask you to confirm Plaintiff's</p> <p>22 Exhibit 180 is the e-mail that you sent</p> <p>23 Ms. [REDACTED] on August 31st.</p> <p>24 A Yes, it is.</p> <p>25 Q I'm going to hand you what's been marked</p> <p style="text-align: right;">[Page 113]</p>

[29] (Pages 110 to 113)

<p>1 as Plaintiff's Exhibit 130.</p> <p>2 (E-mail from Sabrina Rubin</p> <p>3 Erdely to Emily Renda dated</p> <p>4 September 2, 2014 Bates stamped</p> <p>5 RENDA000871 through 872 was</p> <p>6 referenced as Plaintiff's</p> <p>7 Exhibit 130.)</p> <p>8 Q Can you confirm that this is an e-mail</p> <p>9 exchange between you and Emily Renda?</p> <p>10 A Yes.</p> <p>11 Q I'd like to direct your attention to the</p> <p>12 third of the e-mails down the page from</p> <p>13 September 2nd at 11:32 a.m.</p> <p>14 And you write, "Emily, I don't suppose you</p> <p>15 heard from Jackie [REDACTED] recently? I haven't</p> <p>16 been able to reach her in the last couple of</p> <p>17 weeks -- I imagine she is just busy with</p> <p>18 back-to-school stuff, but the silence on her end</p> <p>19 is starting to bring out the worried Jewish mother</p> <p>20 in me."</p> <p>21 Did you write those words?</p> <p>22 A Yes.</p> <p>23 Q So, it's fair to say that Jackie, from</p> <p>24 your interview in mid-August until at least this</p> <p>25 point, the 2nd of September, Ms. [REDACTED] had not</p> <p style="text-align: right;">[Page 114]</p>	<p>1 as Plaintiff's Exhibit 370.</p> <p>2 (E-mail from Jacqueline [REDACTED]</p> <p>3 to Sabrina Rubin Erdely dated</p> <p>4 September 15, 2014 Bates stamped</p> <p>5 RS018282 through 18288 was</p> <p>6 referenced as Plaintiff's</p> <p>7 Exhibit 370.)</p> <p>8 Q And this is an e-mail that Ms. [REDACTED]</p> <p>9 forwarded to you on September 15th, 2014; is that</p> <p>10 correct?</p> <p>11 A Yes.</p> <p>12 Q I would like to direct your attention to</p> <p>13 Bates 18283, on the second page. This is an</p> <p>14 e-mail exchange that Ms. [REDACTED] had with Dean</p> <p>15 Eramo; is that correct?</p> <p>16 A Yes.</p> <p>17 Q And Dean Eramo, in this e-mail, writes,</p> <p>18 "Thanks so much for meeting with me earlier this</p> <p>19 week." And she goes on, on the second page -- the</p> <p>20 third page of Plaintiff's Exhibit 370, to say,</p> <p>21 "Thanks, too, for sharing what happened with me.</p> <p>22 I could tell it was very difficult for you. I</p> <p>23 understand and respect your wishes not to report</p> <p>24 this matter further to the authorities or through</p> <p>25 the Sexual Misconduct policy here on grounds, but</p> <p style="text-align: right;">[Page 116]</p>
<p>1 been in touch with you; isn't that correct?</p> <p>2 A Right. And that's not unusual. I mean,</p> <p>3 when I interview people about sensitive subjects,</p> <p>4 it's -- it's actually quite common for people to</p> <p>5 retreat for a little while. I mean, it could be</p> <p>6 very emotional for people to share these kinds of</p> <p>7 things. And so, sometimes they leave the process</p> <p>8 for a little while, while they're coming to terms</p> <p>9 with it. Sometimes they come back; sometimes they</p> <p>10 don't.</p> <p>11 In either case, you can see from these</p> <p>12 e-mails that I was making plans to come to UVa to</p> <p>13 visit with Emily. I had made plans to see Alex.</p> <p>14 I made an appointment to meet with Dean Eramo. I</p> <p>15 was moving forward with UVa regardless of whether</p> <p>16 I was going to -- of whether Jackie was going to</p> <p>17 come back to the process or not. But I was hoping</p> <p>18 that she was all right.</p> <p>19 Q It's fair to say that, throughout your</p> <p>20 reporting and dealing with Ms. [REDACTED] that there</p> <p>21 were several instances where she stopped</p> <p>22 communicating with you; isn't that correct?</p> <p>23 A I think there were two periods in which</p> <p>24 she stopped communicating with me, yes.</p> <p>25 Q I'm going to hand you what's been marked</p> <p style="text-align: right;">[Page 115]</p>	<p>1 I do want you to continue to consider these</p> <p>2 options."</p> <p>3 You understood that Ms. [REDACTED] shared a</p> <p>4 story of sexual assault with Dean Eramo, correct?</p> <p>5 A Yes, a story in which there were multiple</p> <p>6 men, as she says later in this -- in this e-mail.</p> <p>7 Q And you understand, from this</p> <p>8 communication, that Dean Eramo understood that</p> <p>9 Ms. [REDACTED] did not want to report her rape to</p> <p>10 authorities or through the Sexual Misconduct</p> <p>11 Board; isn't that correct?</p> <p>12 MR. CHEW: Object to the form of the</p> <p>13 question.</p> <p>14 Q You can answer.</p> <p>15 A Can you repeat the question?</p> <p>16 Q This e-mail -- in this e-mail, Dean Eramo</p> <p>17 told Jackie that she understood that Jackie did</p> <p>18 not want to report her rape to the authorities or</p> <p>19 through the Sexual Misconduct Board; isn't that</p> <p>20 correct? I'm not asking about the article, I'm</p> <p>21 asking about this e-mail.</p> <p>22 Ms. Erdely, I direct your attention to the</p> <p>23 e-mail, Plaintiff's Exhibit 370.</p> <p>24 A If you'll just bear with me. I just, I</p> <p>25 don't want to misspeak. Not only did I -- not</p> <p style="text-align: right;">[Page 117]</p>

<p>1 only was I aware that Jackie was, at this point, 2 making the decision not to file a report, but I 3 actually quote from this e-mail in the article. 4 Q Okay. Thank you. 5 A But, again, it was, it was because, it 6 was -- she understood it to be her choice. And 7 her choice, at this point, was to do nothing. 8 She felt better having unburdened herself 9 to Dean Eramo, and she just wanted to leave it at 10 that. 11 Q But in this e-mail, Dean Eramo tells 12 Ms. [REDACTED] that she wants Ms. [REDACTED] to consider 13 these options, filing a police report or pursuing 14 an action through the Sexual Misconduct Board; 15 isn't that correct? 16 A And I quote that in the article. 17 Q Actually, you don't. 18 A I quote in the article, if you decide 19 to -- I'd be -- I believe, I need to find it in 20 the article. But I quote her saying, "I'd be 21 happy to assist you in the filing of the report or 22 complaint, if at some point you'd like to hold 23 these men accountable." So I certainly mention in 24 the article that Dean Eramo was willing to help 25 her with these options.</p> <p style="text-align: right;">[Page 118]</p>	<p>1 A No, but I -- 2 MS. McNAMARA: Objection. This has been 3 asked and answered, and the article speaks for 4 itself which makes very clear, just as the 5 witness has testified, that Dean Eramo laid out 6 all the options, which included going to the 7 police, the Sexual Misconduct Board, the 8 informal process, and Jackie elected not to do 9 it. 10 And then it proceeds on page 75 of the 11 article to quote from the very e-mail that you 12 are referencing in which she indicates that she 13 e-mailed her with a follow-up note thanking 14 Jackie for sharing, same quote. I could tell 15 that was very difficult for you, end quote. 16 And restating that, while she respected 17 Jackie's wish not to file a report, she'd be 18 happy to assist, quote, if you decide that you 19 would like to hold these men accountable, end 20 quote. 21 MS. LOCKE: I appreciate your testimony on 22 that, Liz, but my question was for the witness. 23 Q And my question is: You don't go on to 24 quote, from this particular e-mail, that Dean 25 Eramo encouraged Jackie to continue to consider</p> <p style="text-align: right;">[Page 120]</p>
<p>1 Q But you don't put in the article, "I do 2 want you to continue to consider these options," 3 that Dean Eramo is suggesting to Jackie -- that 4 Dean Eramo wants Jackie to consider pursuing these 5 options; isn't that correct? 6 MR. CHEW: Objection to the form of the 7 question. Argumentative. 8 A I'm sorry, are you -- so, what are you 9 asking? 10 Q So you don't include, in the article, the 11 fact that Dean Eramo says that, "I do want you to 12 continue to consider these options"; isn't that 13 correct? 14 A Well, I think that I represent that Dean 15 Eramo laid out all of the options to be 16 considered. 17 Q But you don't quote from this e-mail that 18 Dean Eramo encouraged Jackie to continue to 19 consider these options, did you? 20 A I quoted that Dean Eramo would be happy to 21 assist her in filing a report. 22 Q I understand. 23 But you don't go on to quote Dean Eramo as 24 saying, "I do want you to continue to consider 25 these options," do you?</p> <p style="text-align: right;">[Page 119]</p>	<p>1 these options; isn't that correct? 2 MR. CHEW: Objection. Asked and answered. 3 MS. McNAMARA: That has been answered 4 three times. 5 Q You can answer. 6 A I believe that the quote that I used 7 accomplishes the same exact thing if I were to use 8 the quote that you're suggesting. 9 Q But you agree you did not use the section 10 of the e-mail that I'm suggesting; isn't that 11 correct? 12 MS. McNAMARA: Objection. This has been 13 asked and answered four times now. 14 Do you want her to answer it again? 15 Q I still haven't gotten the answer that you 16 didn't include those words in the article -- 17 MS. McNAMARA: You didn't get the answer 18 you want, Libby, it's not that you haven't 19 gotten the question answered. 20 A I believe that you read the article, and 21 so you know that those words don't appear in the 22 article. 23 Q That's correct. And you're agreeing with 24 that; isn't that correct? 25 A Yes.</p> <p style="text-align: right;">[Page 121]</p>

[31] (Pages 118 to 121)

<p>1 Q Thank you.</p> <p>2 MS. McNAMARA: It's almost 1:00. Is this</p> <p>3 a good time to take a break?</p> <p>4 MS. LOCKE: Sure.</p> <p>5 Q We can take a break, but I'm going to</p> <p>6 violate a rule on asking a question and allowing</p> <p>7 you to break because I would like to find out</p> <p>8 where in your reporting file you asked anyone for</p> <p>9 the three friends' last names.</p> <p>10 If you could point me to a location in</p> <p>11 your reporting file where you asked for Ryan,</p> <p>12 Alex, or Kathryn's last name, if you could direct</p> <p>13 me to that point, and I give you the time over the</p> <p>14 break to look for that.</p> <p>15 A Well, I can actually answer that right</p> <p>16 now. I, I, I've looked through the notes. I can</p> <p>17 tell you exactly when I asked these questions.</p> <p>18 As I -- I think I might have mentioned</p> <p>19 early on when we were talking about how I put</p> <p>20 together my notes. Not every single thing that I</p> <p>21 asked for and was answered is actually reflected</p> <p>22 in the notes. I was putting together a record for</p> <p>23 what was going to ultimately appear in the</p> <p>24 article, not keeping in mind that any litigation</p> <p>25 would ensue from it.</p> <p style="text-align: right;">[Page 122]</p>	<p>1 point, if she -- I told her that Jackie was</p> <p>2 reluctant to share that information with me and I</p> <p>3 asked her whether she would be willing to --</p> <p>4 because I knew -- she had told me before that she</p> <p>5 didn't know Ryan, but that she knew Kathryn and</p> <p>6 Alex.</p> <p>7 And so, I asked her, at that point,</p> <p>8 whether she'd be willing to share it with me. And</p> <p>9 she said she was would have to ask Jackie for her</p> <p>10 permission. That is not reflected -- a lot of the</p> <p>11 notes that I took from our walk through the</p> <p>12 fraternities is not stuff that I wrote down,</p> <p>13 including things like the conversations with</p> <p>14 Jackie's boyfriend when we walked around. They're</p> <p>15 just not reflected in there. But that is when I</p> <p>16 asked.</p> <p>17 Q And the last question before lunch is if</p> <p>18 you can identify, in your reporting file, whether</p> <p>19 you did or did not, and if it's reflected anywhere</p> <p>20 in your reporting file, ask for Jackie's report</p> <p>21 card.</p> <p>22 A I'm having trouble recalling that. I, I</p> <p>23 asked her for so many things. And it was, it was</p> <p>24 such a long time ago. I don't remember.</p> <p>25 Q But I'm asking for you to identify whether</p> <p style="text-align: right;">[Page 124]</p>
<p>1 So, I do have a distinct memory of asking</p> <p>2 Jackie, during our very first interview, when I</p> <p>3 asked her, at the point -- towards the very end of</p> <p>4 our interview, asking her for Ryan, Alex, and</p> <p>5 Kathryn's names and contact information, and that</p> <p>6 was when she deflected and said, Well, I'd be</p> <p>7 happy to get in touch with Ryan.</p> <p>8 So, that would appear in that -- I mean,</p> <p>9 if I had typed it up, that's where it would</p> <p>10 appear. It does not appear.</p> <p>11 Q And then the other question --</p> <p>12 MS. McNAMARA: Are you done with your</p> <p>13 answer?</p> <p>14 A Oh, there's actually more.</p> <p>15 Q Okay.</p> <p>16 A Also, when I asked Alex for the names --</p> <p>17 so, this is now fast-forwarding to my visit to</p> <p>18 campus in September. The night after Jackie told</p> <p>19 me that Ryan was -- had declined to be</p> <p>20 interviewed, in the strongest terms, and I had</p> <p>21 taken from that, that none of them were going to</p> <p>22 be available, I, nonetheless, asked Alex, while</p> <p>23 she -- while we were walking around campus at</p> <p>24 night, we were -- we were walking around the, sort</p> <p>25 of, fraternity areas, and I asked her, at that</p> <p style="text-align: right;">[Page 123]</p>	<p>1 it's in your reporting file.</p> <p>2 A Oh. In all of our going through it -- I</p> <p>3 mean, I haven't seen these notes in a very long</p> <p>4 time. So, off the top of my head, it doesn't --</p> <p>5 I, I can't remember where it would appear.</p> <p>6 Q And I appreciate that. That's why I'm</p> <p>7 asking for you guys to take the time over lunch to</p> <p>8 see if you can locate it?</p> <p>9 MS. McNAMARA: We'll take that under</p> <p>10 advisement. We don't have an obligation to</p> <p>11 engage in a search mission during the break.</p> <p>12 If you want to use the time on the</p> <p>13 deposition to try to have her look through it,</p> <p>14 that's fine. But I'm not going -- I'll take it</p> <p>15 under advisement.</p> <p>16 I'm not going to represent that we will</p> <p>17 undertake that endeavor. To sit there for the</p> <p>18 lunch hour and go through over 400 pages of</p> <p>19 notes in order to ascertain that -- and I think</p> <p>20 the witness needs to eat, needs to have a</p> <p>21 little time off, and I'm not going to endeavor</p> <p>22 that that's our responsibility.</p> <p>23 Q As you sit here today, are you able to</p> <p>24 identify any place in your reporting file where</p> <p>25 you ask for Jackie's report card?</p> <p style="text-align: right;">[Page 125]</p>

<p>1 MS. McNAMARA: She's already asked --</p> <p>2 she's already answered that question.</p> <p>3 A As I said, I really don't recall.</p> <p>4 MS. LOCKE: Okay. We can go off the</p> <p>5 record.</p> <p>6 THE VIDEOGRAPHER: Going off the record.</p> <p>7 The time is 12:58.</p> <p>8 (Recess taken.)</p> <p>9 THE VIDEOGRAPHER: We're going back on the</p> <p>10 record. The time is 1:41. This is the</p> <p>11 beginning of DVD Number 3.</p> <p>12 Q Ms. Erdely, I'd like to direct your</p> <p>13 attention to Plaintiff's Exhibit 81, which is an</p> <p>14 e-mail between Dean Eramo and Ms. [REDACTED] that</p> <p>15 she forwarded to you on April 16, 2016.</p> <p>16 Do you see that?</p> <p>17 A Yes.</p> <p>18 Q I'd like to direct your attention to 1733.</p> <p>19 Dean Eramo sends an e-mail on April 22, 2014 at</p> <p>20 5:49 p.m.</p> <p>21 Do you see where I'm looking?</p> <p>22 A Yes.</p> <p>23 Q And Dean Eramo says to Jackie, "Thanks for</p> <p>24 coming in today. I'm sorry that the CPD officer</p> <p>25 was a little aggressive about investigating. I</p> <p style="text-align: right;">[Page 126]</p>	<p>1 whether she reported her rape to police during</p> <p>2 this time?</p> <p>3 A I don't recall, specifically. I know</p> <p>4 that, in the article, I make reference to the fact</p> <p>5 that, around this time when she was discussing the</p> <p>6 bottle incident with Dean Eramo, that she told</p> <p>7 Dean Eramo that she did not feel ready to file a</p> <p>8 police report. So, I know that she and I did</p> <p>9 discuss that, at the time.</p> <p>10 I have -- I don't have a specific</p> <p>11 recollection where, in my notes, I asked her that.</p> <p>12 I feel confident that they're in there somewhere.</p> <p>13 Q Did you ever ask Ms. [REDACTED] whether she</p> <p>14 reported her sexual assault to the police?</p> <p>15 A Jackie always told me that she didn't</p> <p>16 report her rape to the police.</p> <p>17 Q And did you ever ask Ms. [REDACTED] whether</p> <p>18 Dean Eramo encouraged or discouraged Ms. [REDACTED]</p> <p>19 from reporting her rape to the police?</p> <p>20 MS. McNAMARA: Objection. Other than</p> <p>21 what's in the article?</p> <p>22 Q You can answer the question.</p> <p>23 A Jackie presented me with the e-mail</p> <p>24 correspondence between herself and Dean Eramo,</p> <p>25 which made it very clear, it puts it right here in</p> <p style="text-align: right;">[Page 128]</p>
<p>1 know that was stressful, and I truly apologize.</p> <p>2 That said, it may be worth it to at least have</p> <p>3 them check the video in the corner. If we can get</p> <p>4 good video and check photos of them from the FSL</p> <p>5 roster, we might be able to find them without</p> <p>6 having to go to the fraternities."</p> <p>7 Fair to say that you understood, upon</p> <p>8 reviewing this e-mail chain, that Dean Eramo was</p> <p>9 setting up an interview for Jackie with the police</p> <p>10 regarding the bottle incident?</p> <p>11 MS. McNAMARA: Objection.</p> <p>12 Mischaracterizes this document.</p> <p>13 A What I understood from that e-mail chain</p> <p>14 was that Jackie was meeting with police about the</p> <p>15 bottle throwing incident and she was communicating</p> <p>16 with Dean Eramo about it.</p> <p>17 Q And later in this e-mail on 17033, Dean</p> <p>18 Eramo says, "As I said, I'm happy to meet with</p> <p>19 them and go along with you if you need some moral</p> <p>20 support, just let me know."</p> <p>21 Is it fair to say that you understood that</p> <p>22 Dean Eramo was offering to go with Jackie to the</p> <p>23 police regarding the bottle incident?</p> <p>24 A Yes, that's correct.</p> <p>25 Q What steps did you take to ask Jackie</p> <p style="text-align: right;">[Page 127]</p>	<p>1 this e-mail that you're pointing out here, that</p> <p>2 Dean Eramo always made it very clear that whatever</p> <p>3 Jackie did was her choice.</p> <p>4 Q In this e-mail, Dean Eramo suggests that</p> <p>5 it would be worth to have the police check the</p> <p>6 video on the corner; isn't that correct?</p> <p>7 A Yes. Dean Eramo was very encouraging, it</p> <p>8 appears from these e-mails, of having the police</p> <p>9 investigate the bottle throwing incident.</p> <p>10 Q And Dean Eramo also suggested that, if</p> <p>11 they could get good video and check photos from</p> <p>12 the FSL, which is Fraternity/Sorority Life roster,</p> <p>13 that we might be able to find them without having</p> <p>14 to go to the fraternities; isn't that correct?</p> <p>15 A Yes, that's what it says.</p> <p>16 Q Did you ever ask Jackie whether her</p> <p>17 meeting with the police on this occasion, or her</p> <p>18 later meeting with the police, was solely about</p> <p>19 the bottle incident?</p> <p>20 A She told me it was about the bottle</p> <p>21 incident. I had no reason to believe that it was</p> <p>22 about anything else.</p> <p>23 Q I'm going to direct your attention to</p> <p>24 Exhibit 209, which I believe you have in front of</p> <p>25 you, which are the photographs of Jackie's alleged</p> <p style="text-align: right;">[Page 129]</p>

[33] (Pages 126 to 129)

<p>1 injuries from the bottle incident.</p> <p>2 These are photographs that Ms. [REDACTED]</p> <p>3 sent to you before publication of "A Rape on</p> <p>4 Campus"; isn't that correct?</p> <p>5 A Yes.</p> <p>6 Q And I'm going to hand you what's been</p> <p>7 marked as Plaintiff's Exhibit 218.</p> <p>8 (Document Bates stamped RS118221</p> <p>9 through 118345 was referenced as</p> <p>10 Plaintiff's Exhibit 218.)</p> <p>11 Q And in particular, I would like to direct</p> <p>12 your attention to Bates RS118338 -- ending in 338.</p> <p>13 It's towards the back.</p> <p>14 The bottom, Ms. [REDACTED] says, "And I mean,</p> <p>15 and Alex was also, like, the one person, like,</p> <p>16 after I -- after I did have that beer bottle</p> <p>17 thrown in my face, Alex helped me through that so</p> <p>18 much. Like, you know, she was, like, the first</p> <p>19 person that was with me -- that when she saw me,</p> <p>20 she was, like, is that face paint? And I was,</p> <p>21 like --"</p> <p>22 And you respond, "It looked like paint, by</p> <p>23 the way. Like, when you sent the pictures, it</p> <p>24 was, like, woah, that's so -- it didn't look like</p> <p>25 a bruise. Like, it looked like something had been</p> <p style="text-align: right;">[Page 130]</p>	<p>1 A It looks familiar.</p> <p>2 Q So my question is, and you may need to</p> <p>3 have all of these in front of you, Plaintiff's</p> <p>4 Exhibit 211, 209; 81, which is the police e-mail;</p> <p>5 and 370, which is also in your stack somewhere.</p> <p>6 MS. McNAMARA: Which one is 370?</p> <p>7 MS. LOCKE: 370 is the one we were just</p> <p>8 arguing about before the break.</p> <p>9 MS. McNAMARA: Arguing?</p> <p>10 A I don't think I have 81.</p> <p>11 Q 81 is the police e-mails we were just</p> <p>12 looking at.</p> <p>13 MR. CHEW: 370, did you say?</p> <p>14 MS. LOCKE: Yes.</p> <p>15 MS. McNAMARA: I'm not finding 370. What</p> <p>16 does it look like? Is it an e-mail?</p> <p>17 MR. CHEW: Take that (handing).</p> <p>18 Q So my question, Ms. Erdely, is, besides</p> <p>19 Plaintiff's Exhibit 370, 81, 211, and 209, as you</p> <p>20 sit here today, are you able to identify any other</p> <p>21 documents that Ms. [REDACTED] provided to you in the</p> <p>22 course of your reporting?</p> <p>23 A Off the top of my head, yes. She also</p> <p>24 forwarded me a number of student warnings that</p> <p>25 were issued, Title IX warnings, that were issued</p> <p style="text-align: right;">[Page 132]</p>
<p>1 smeared on your face."</p> <p>2 Did you say those words to Ms. [REDACTED]</p> <p>3 A I did.</p> <p>4 Q And when did you refer to the pictures,</p> <p>5 are you referring to the picture that are</p> <p>6 reflected in Plaintiff's Exhibit 209?</p> <p>7 A Yes. But just to be clear, I wasn't be</p> <p>8 incredulous, I was just remarking on the fact that</p> <p>9 this bruise is very bright red, so bright as to</p> <p>10 look almost painted on. But I have no -- I</p> <p>11 entirely believed this was an authentic bruise.</p> <p>12 Q We're going to look back at 218 in a</p> <p>13 couple of minutes. But I'd like to hand you</p> <p>14 what's been marked as Plaintiff's Exhibit 211.</p> <p>15 (E-mail from Jacqueline [REDACTED]</p> <p>16 to Sabrina Rubin Erdely dated</p> <p>17 November 6, 2014 Bates stamped</p> <p>18 RS016849 through 16850 was</p> <p>19 referenced as Plaintiff's</p> <p>20 Exhibit 211.)</p> <p>21 Q Plaintiff's Exhibit 211 is an e-mail from</p> <p>22 Ms. [REDACTED] to you forwarding her -- forwarding an</p> <p>23 e-mail she received from her work as a lifeguard</p> <p>24 at UVa.</p> <p>25 Do you recognize it as such?</p> <p style="text-align: right;">[Page 131]</p>	<p>1 to the campus after sexual assault allegations.</p> <p>2 Q And now that I'm thinking about it, she</p> <p>3 also forwarded you two text message e-mails, which</p> <p>4 we'll look at later.</p> <p>5 But aside from those two different text</p> <p>6 from [REDACTED] and [REDACTED] I believe -- aside from</p> <p>7 the text message e-mails, the warnings, and these</p> <p>8 four exhibits that we have in front of you, is</p> <p>9 there anything else, as you sit here today, that</p> <p>10 you can think of, that Ms. [REDACTED] provided you in</p> <p>11 the course of your reporting on "A Rape on</p> <p>12 Campus"? Documents, I mean.</p> <p>13 MS. McNAMARA: There's more. I mean, I</p> <p>14 don't know whether she'll recall it, but</p> <p>15 there's more. I just don't want the record to</p> <p>16 reflect something inaccurate.</p> <p>17 A I mean, I know that she provided me with a</p> <p>18 lot of things. Off the top of my head, right now,</p> <p>19 it's just difficult for me to recall.</p> <p>20 Q Okay.</p> <p>21 I want to direct your attention to the</p> <p>22 reporting file on Rolling Stone 4336.</p> <p>23 MS. McNAMARA: Here's my 370, it was in</p> <p>24 the middle of the reporting file.</p> <p>25 Q And I want to direct your attention to</p> <p style="text-align: right;">[Page 133]</p>

[34] (Pages 130 to 133)

<p>1 the -- just to orient you where we were are in the</p> <p>2 reporting file. It says, "I meet Jackie outside</p> <p>3 of Starbucks in Peabody Hall. She is 15 minutes</p> <p>4 late. I get seriously nervous, but then she shows</p> <p>5 up."</p> <p>6 This is the dinner that you had with</p> <p>7 Ms. [REDACTED] on December 11th?</p> <p>8 A Yes.</p> <p>9 Q Is that correct?</p> <p>10 A That's correct.</p> <p>11 (Transcript Bates stamped</p> <p>12 RS118221 through 118345 was</p> <p>13 referenced as Plaintiff's</p> <p>14 Exhibit 218.)</p> <p>15 Q And I'm going to hand you what's been</p> <p>16 marked as Plaintiff's Exhibit -- well, actually,</p> <p>17 218. You have it in front of you. Which is the</p> <p>18 transcript from that dinner that night, okay.</p> <p>19 Just to orient you with where we are, there is a</p> <p>20 lot of paper flying around. And direct your</p> <p>21 attention to Bates 118222, so ending in 222. At</p> <p>22 the very beginning.</p> <p>23 Jackie, towards the beginning of dinner,</p> <p>24 says: "I think that when you've come, just like</p> <p>25 Alex and I, where we have a similar story, when</p> <p style="text-align: right;">[Page 134]</p>	<p>1 down, Ms. [REDACTED] communicates to you that her</p> <p>2 mother went to Brown for college; is that correct?</p> <p>3 A Yes.</p> <p>4 Q And then the following page, 226,</p> <p>5 Ms. [REDACTED] communicates to you that she asked her</p> <p>6 mother about the red dress, and she said that she</p> <p>7 threw it out; is that correct?</p> <p>8 A Yes, that's what she told me.</p> <p>9 Q Could you turn to 229. On Rolling</p> <p>10 Stone -- I'm sorry, on Plaintiff's Exhibit 218,</p> <p>11 Bates 118229, you say to Jackie, "One of their</p> <p>12 deeply rooted conditions is, like, you know, like,</p> <p>13 fraternities run the show, and, you know, nobody</p> <p>14 really does anybody about it."</p> <p>15 Did you communicate that to Ms. [REDACTED]</p> <p>16 A I did.</p> <p>17 Q Do you believe that one of UVa's deeply</p> <p>18 rooted traditions is that fraternities run the</p> <p>19 show?</p> <p>20 A I was repeating something to her that some</p> <p>21 critics had said to me.</p> <p>22 Q Do you hold that belief?</p> <p>23 A I believe that fraternities are very</p> <p>24 powerful institutions.</p> <p>25 Q Do you believe they're powerful</p> <p style="text-align: right;">[Page 136]</p>
<p>1 you come from a background where you're always</p> <p>2 told that you're worthless, that you end up</p> <p>3 getting into situations, I don't know, where it's</p> <p>4 like, people, you know, that, about you, you know?</p> <p>5 It's like you're an easy target because they know</p> <p>6 that -- I don't know. I always felt like I was</p> <p>7 manipulated or something, like I was easily</p> <p>8 manipulated because I didn't have the self-esteem</p> <p>9 to -- I don't know, it's difficult."</p> <p>10 Did Ms. [REDACTED] communicate to you that</p> <p>11 she was easily manipulated, Ms. Erdely?</p> <p>12 A She wasn't talking about being</p> <p>13 manipulated -- what she was talking about was in</p> <p>14 the context of rape. We were continuing a</p> <p>15 conversation we had when we were walking across</p> <p>16 campus where she felt as though she had a target</p> <p>17 on her back in terms of sexual assault because she</p> <p>18 had had an abusive background and she had low</p> <p>19 self-esteem. And that she felt, from meeting</p> <p>20 other people in One Less and from reading the</p> <p>21 research, she knew that she had that in common</p> <p>22 with other sexual assault victims.</p> <p>23 Q I direct your attention to 225, Bates</p> <p>24 ending 225 in Plaintiff's Exhibit 218.</p> <p>25 A little beyond the middle of the page</p> <p style="text-align: right;">[Page 135]</p>	<p>1 institutions at UVa?</p> <p>2 A Yes. Fraternities are powerful</p> <p>3 institutions at UVa, as well as other</p> <p>4 institutions.</p> <p>5 Q If you could turn the page to 230. At the</p> <p>6 bottom towards the bottom of the page, Ms. [REDACTED]</p> <p>7 says, "And, like, you know, I did talk to Ryan. I</p> <p>8 finally saw him. I saw him at a cookout when I</p> <p>9 was getting a milkshake, and I was, like, Hey, so</p> <p>10 did you get any of my texts? And he was, like,</p> <p>11 Yeah, I got them. And I was like, So, would you</p> <p>12 be interested. And he was, like, No." And then</p> <p>13 she goes on.</p> <p>14 You say, "Wow."</p> <p>15 And she goes on to explain that Mr. Duffin</p> <p>16 was not interested in speaking with you.</p> <p>17 Is that correct?</p> <p>18 A Yes.</p> <p>19 Q And then, if you could turn to 256 in</p> <p>20 Plaintiff's Exhibit 218. A little beyond the</p> <p>21 middle of the page down, you communicate to</p> <p>22 Ms. [REDACTED] "Okay, great. And as far as other</p> <p>23 people to get in touch with, too, so, Ryan is</p> <p>24 obviously out."</p> <p>25 Did you communicate that to Ms. [REDACTED]</p> <p style="text-align: right;">[Page 137]</p>

<p>1 A Yes. Ryan -- as I mentioned before, of 2 the three friends, Ryan was the friendliest of the 3 three, the one who she felt was most likely to 4 speak to me. I was very surprised that he would 5 have such -- or I was upset, on her behalf, that 6 he would have such an extreme reaction to her 7 cooperation with my article, especially 8 considering because she was also conveying to me 9 how many of her other friends were very 10 discouraging of her talking to me. 11 So, seeing as Ryan was going to be my 12 entree to the three friends, I didn't see how I 13 was going to be able to communicate with him. 14 Q If you could turn to Bates 266 on 15 Plaintiff's Exhibit 218. Here you and Ms. [REDACTED] 16 are having a conversation about scars from 17 crashing through the glass table; is that correct? 18 A Yes. 19 Q And you ask Ms. [REDACTED] to see the scars 20 on her back; isn't that correct? 21 A Yes. 22 Q And she shows you her arm; is that 23 correct? 24 A Yes. 25 Q And you don't see any scars on her arm;</p> <p style="text-align: right;">[Page 138]</p>	<p>1 talking here about she has nightmares. 2 She had talked to me about -- I don't know 3 if it was here or elsewhere, but she talks about 4 things like she orients herself and she tends -- 5 doesn't feel comfortable in a room unless she 6 orients herself so that she's facing -- so that 7 her back is against the wall so that nobody can 8 surprise her. 9 She told me that she oriented her room so 10 that her bed was in a corner so that she can see 11 the door from there. I'm sure there were other 12 things that she mentioned, but these are all -- 13 these are all PTSD-like symptoms. 14 Q Did you personally observe any symptoms of 15 Jackie's that would signify to you that she had 16 PTSD? 17 A Well, she did become depressed around the 18 time of the anniversary. I did notice that she 19 was easily startled. She, at times, could be very 20 paranoid. She had these conspiracy theories; for 21 example, that this was a hazing ritual. And she 22 sometimes would tell me that -- when I would 23 contact her, she would sometimes tell me that she 24 would sleep -- she was sleeping very late because 25 she had trouble sleeping the night before.</p> <p style="text-align: right;">[Page 140]</p>
<p>1 isn't that correct? 2 A I saw something. But in that lighting, I 3 wasn't able to see much. The next night I was 4 able to see what she was talking about. 5 Q If you could turn to 270. During this 6 dinner on September the 11th, you ask Ms. [REDACTED] 7 whether she has PTSD; is that correct? 8 A Yes. She had been describing her symptoms 9 and it sounded very much like -- I've reported 10 stories on people with PTSD, and talked to experts 11 about PTSD, and it sounded like she was describing 12 symptoms of PTSD. 13 Q And that's exactly what you said to her, 14 "It sounds like it, it sounds like you have PTSD," 15 correct? 16 A Yes. 17 Q What made you believe that Jackie had 18 PTSD, what symptoms? 19 A She was still living very much in the 20 moment of her trauma. She had a lot of trouble 21 leaving that behind. She was easily startled. 22 She had trouble sleeping, she had trouble 23 concentrating. She talked about -- she talks here 24 about how she was terrified to go to sleep. She 25 became depressed around the anniversary. She's</p> <p style="text-align: right;">[Page 139]</p>	<p>1 Q I guess I'm -- I'm less concerned with 2 what she told you, but if you personally observed 3 it with your own senses. 4 A Well, you know, I think it's hard to 5 observe a lot of PTSD because PTSD is a very 6 subjective thing. So, you really rely -- and I 7 think that, you know, experts rely on the person 8 telling them what their symptoms are. It's 9 something that goes on within your own head. 10 So, much of what people evaluate with PTSD 11 is what is reported to you. 12 Q No, I understand that. 13 A So, I was relying on what she was 14 reporting to me. And, as a credible source, I was 15 trusting that those things were accurate. 16 Q And that's, that's fair in terms of what 17 she told you. 18 I'm just asking, in your interactions with 19 her, aside from what she verbally mentioned to 20 you, did you observe any physical symptoms of 21 PTSD, other than ones that you've already 22 articulated? 23 A I mean, the ones that I articulated were 24 the ones -- are the ones that come immediately to 25 mind.</p> <p style="text-align: right;">[Page 141]</p>

[36] (Pages 138 to 141)

<p>1 Q Okay. I'm going to hand you what's been 2 marked as Plaintiff's Exhibit 419. 3 (E-mail from Sean Woods to 4 Sabrina Rubin Erdely dated 5 September 11, 2014 Bates stamped 6 RS015470 was referenced as 7 Plaintiff's Exhibit 419.) 8 Q It's an e-mail exchange between you and 9 Mr. Woods on September 11th, 2014; is that 10 correct? 11 A Yes. 12 Q On September 11, 2014 at 10:45 p m., you 13 write to Mr. Woods, "What a day. Tracked down 14 Jackie. She was freaking out, but now is totally 15 back on board. She is concerned for her safety 16 once the story comes out. Afraid of being 17 physically attacked on campus (with reason) but 18 finally decided she'd be okay with just using her 19 first name, no last. That okay?" 20 Did you send that e-mail to Mr. Woods? 21 A I did. But just to correct, I think you 22 said it was 10:45. It was actually at 10:54 p m. 23 Q Mr. Woods responds to you at 10:54 p m., 24 but your original e-mail to him was at 10:45. 25 A My mistake.</p> <p style="text-align: right;">[Page 142]</p>	<p>1 And at this dinner, you ask about the 2 scars on her back, correct? 3 A Right. First I see that she has the scars 4 on her arms, which are now visible to me in the 5 better lighting. And then I ask about the scars 6 on her back. 7 Q And she told you that they're not as 8 distinct anymore; is that correct? 9 A Yes. 10 Q And her boyfriend [REDACTED] says, "I haven't 11 seen any marks on your back"; is that correct? 12 A Yes. 13 Q And did [REDACTED] in fact, say those words 14 during that dinner? 15 A He did. 16 Q You can set that aside. 17 A Okay. And I should mention -- I mean, 18 this was not concerning to me. This was a fairly 19 new relationship, and Jackie then followed up by 20 saying that her mom had asked her about the scars 21 before, so I had made a mental note to bring it up 22 with her mother when I eventually spoke to her, 23 which I planned to do and tried very hard to do. 24 Q I'd like to draw your attention to Bates 25 374 onto 375, and 376. If you want to skim those,</p> <p style="text-align: right;">[Page 144]</p>
<p>1 Q And Mr. Woods responds to you, "Yes, 2 okay"; is that correct? 3 A Yes. 4 Q You can set that aside. 5 Following your dinner on September 11th, 6 you were obviously in Charlottesville at this 7 point in time, correct? 8 A Correct. 9 Q And you had dinner the following night on 10 the 12th with Alex Pinkleton, Ms. [REDACTED] and her 11 then-boyfriend, [REDACTED] at College Inn; is that 12 correct? 13 A Yes. 14 Q I'm going to hand you what's been marked 15 as Plaintiff's Exhibit 219. 16 (Transcript Bates stamped 17 RS118346 through 118440 was 18 referenced as Plaintiff's 19 Exhibit 219.) 20 Q This is the transcript of the dinner on 21 September the 12th. And I direct your attention 22 to Rolling Stone 118372. 23 And again, I think you referenced earlier 24 that you had asked Jackie about her scars and that 25 it came up at a later point in time.</p> <p style="text-align: right;">[Page 143]</p>	<p>1 I have a pretty general question. So, nothing 2 super specific, but just to orient yourself. 3 A I'm sorry, which pages do you want me to 4 read? 5 Q 374, 375, 376. 6 A Okay. (Perusing document.) 7 MS. McNAMARA: The whole discussion -- if 8 you want her to -- you should read through 9 page 8378 so that you get the whole discussion 10 regarding Law & Order. 11 MS. LOCKE: My questions don't go that 12 far. 13 MS. McNAMARA: But I want her to have the 14 context so she understands. 15 A Okay. 16 Q Ms. [REDACTED] during this dinner on 17 September the 12th, tells you that she watched a 18 Law & Order SVU episode that was similar to her 19 rape, correct? 20 A Correct. 21 Q And she tells you there is a girl at a 22 frat party in the episode, correct? 23 A Correct. 24 Q And that one of the guys in the episode 25 takes her up to a room, is that correct, page 375?</p> <p style="text-align: right;">[Page 145]</p>

<p>1 A Yes.</p> <p>2 Q And that four guys gang raped her in this</p> <p>3 episode?</p> <p>4 A Yes.</p> <p>5 Q And that nobody believes this rape victim</p> <p>6 in the episode; is that correct?</p> <p>7 A Yes. She goes to police, nobody believes</p> <p>8 her, yes.</p> <p>9 Q And Ms. [REDACTED] tells you that, in the</p> <p>10 episode, it's uncovered that the gang rape has</p> <p>11 been going on for a long time; is that correct?</p> <p>12 A Yes.</p> <p>13 Q And she tells you that eventually the girl</p> <p>14 commits suicide in this episode, correct?</p> <p>15 A Yes.</p> <p>16 Q And she tells you that it's a later season</p> <p>17 episode with Elliot in it; isn't that correct?</p> <p>18 A Yes. Although that doesn't mean anything</p> <p>19 to me.</p> <p>20 Q And Jackie goes on, through this</p> <p>21 discussion, to say how upset she was because this</p> <p>22 fictional account of gang rape was so similar to</p> <p>23 her rape; is that correct?</p> <p>24 A Yes.</p> <p>25 Q Did you ever bother to go and try to</p> <p style="text-align: right;">[Page 146]</p>	<p>1 Q In this episode of Law & Order SVU, the</p> <p>2 alleged perpetrators say, Grab her leg.</p> <p>3 Do you have any reason to dispute that?</p> <p>4 MS. McNAMARA: Objection. Lack of</p> <p>5 foundation. If you want to show her the</p> <p>6 episode, she said she never watched it.</p> <p>7 A I never watched the episode, I wouldn't</p> <p>8 know.</p> <p>9 Q At the time that Ms. [REDACTED] told you</p> <p>10 about this incident, you had no reason to go and</p> <p>11 view it; that's your testimony?</p> <p>12 MS. McNAMARA: Objection. Asked and</p> <p>13 answered. She explained that she saw it in</p> <p>14 May.</p> <p>15 A Yeah, my explanation here is that I don't</p> <p>16 really understand the correlation here between --</p> <p>17 she had reported a gang rape a year earlier --</p> <p>18 twice, in the preceding year, and then told me</p> <p>19 that, after the fact, she had seen an episode of a</p> <p>20 television show that was about a gang rape. So, I</p> <p>21 don't know why I would go and watch that</p> <p>22 television show.</p> <p>23 Q You understand, Ms. Soltis, you already</p> <p>24 testified, told you that Ms. [REDACTED] story of</p> <p>25 gang rape that Ms. [REDACTED] originally told</p> <p style="text-align: right;">[Page 148]</p>
<p>1 identify the Law & Order SVU episode that Jackie</p> <p>2 was referring to here?</p> <p>3 A Why would I?</p> <p>4 Q I'm asking if you did.</p> <p>5 A I didn't see any reason to.</p> <p>6 Q Is that a "no"?</p> <p>7 A She recounted to me -- I just want to</p> <p>8 understand this.</p> <p>9 So, she recounted to me a television</p> <p>10 episode that she watched in May of that, of that</p> <p>11 year, that we were talking, that was similar to an</p> <p>12 account of gang rape that she had given earlier</p> <p>13 that same year, and also the year before. And</p> <p>14 you're wondering whether I -- whether I went and</p> <p>15 watched that episode?</p> <p>16 Q Yes.</p> <p>17 A No.</p> <p>18 Q Have you since, during this litigation or</p> <p>19 anytime after, watched that episode?</p> <p>20 A No.</p> <p>21 Q You've become aware, in this litigation,</p> <p>22 that Ms. [REDACTED] is accused of having sent Ryan</p> <p>23 Duffin a love letter that was plagiarized from</p> <p>24 Dawson's Creek; is that correct?</p> <p>25 A I read that.</p> <p style="text-align: right;">[Page 147]</p>	<p>1 Ms. Soltis, was a story of oral sex with five men;</p> <p>2 is that correct?</p> <p>3 A Yes. But that, by the following fall --</p> <p>4 which is, by the way, well before she watched</p> <p>5 apparently this episode of Law & Order SVU -- she</p> <p>6 had changed her story to be more truthful, to</p> <p>7 embrace the full truth, which is that she had</p> <p>8 actually been assaulted by seven men vaginally.</p> <p>9 Q How do you know that that story was more</p> <p>10 truthful than her original story of gang rape?</p> <p>11 A Well, that's the way -- that is the way --</p> <p>12 this is putting myself back in the shoes at the</p> <p>13 time. This was the way it was presented to me by</p> <p>14 Rachel Soltis.</p> <p>15 And, in my experience in writing about</p> <p>16 trauma victims and sexual assault victims, I do</p> <p>17 know that their stories do sometimes morph over</p> <p>18 time as they come to terms with what happened to</p> <p>19 them, as they get over the shame and self-blame</p> <p>20 that afflicts them. They often do come out with</p> <p>21 further details, or different details, over time.</p> <p>22 Q And that Jackie's story had morphed over</p> <p>23 time lent to her credibility, in your mind?</p> <p>24 MR. CHEW: Objection to the form of the</p> <p>25 question.</p> <p style="text-align: right;">[Page 149]</p>

<p>1 Q You can answer it.</p> <p>2 A It further reinforced that -- it didn't</p> <p>3 change my view of her credibility. It further</p> <p>4 reinforced that she was a trauma victim, and I</p> <p>5 know this is consistent with how trauma victims</p> <p>6 act.</p> <p>7 Q I want to direct your attention to</p> <p>8 Exhibit 219 that's still in front of you, 384,</p> <p>9 very bottom of the page, going over onto 385. You</p> <p>10 ask Ms. Pinkleton -- you say, "So, Alex, Jackie</p> <p>11 had mentioned you had some reservations or some</p> <p>12 concerns about the article. If you did, we could,</p> <p>13 like, sort of, talk it through."</p> <p>14 And Ms. Pinkleton goes on to explain that</p> <p>15 she is worried about Dean Eramo; is that correct?</p> <p>16 A Yes.</p> <p>17 Q And you tell Ms. Pinkleton that you hear</p> <p>18 from everybody that they love Dean Eramo; isn't</p> <p>19 that correct?</p> <p>20 A Yes. And that's reflected in the article.</p> <p>21 Q Ms. [REDACTED] also says to you that she's</p> <p>22 worried about Dean Eramo's job security; isn't</p> <p>23 that correct?</p> <p>24 A Well, I don't know if that's what she</p> <p>25 means -- are you referring to when they say, they</p> <p style="text-align: right;">[Page 150]</p>	<p>1 there have been some legit worrisome issues."</p> <p>2 Do you see where I am?</p> <p>3 And feel free to flip forward and</p> <p>4 backwards to make sure we're sort of in the same</p> <p>5 vicinity.</p> <p>6 A Yes.</p> <p>7 Q Ms. [REDACTED] communicates to you that, "We</p> <p>8 love Dean Eramo." And you communicate to her, "I</p> <p>9 get that, and I'm getting that from everybody.</p> <p>10 Everybody loves her and I understand that, but</p> <p>11 she's going to play some part in the story because</p> <p>12 she plays a part in everybody's story."</p> <p>13 Do you see that in Plaintiff's</p> <p>14 Exhibit 387?</p> <p>15 A I'm sorry, where is that?</p> <p>16 MS. McNAMARA: It's towards the top third,</p> <p>17 after the bold, "We love Dean Eramo."</p> <p>18 A Yes.</p> <p>19 Q And Ms. [REDACTED] goes on to tell you that,</p> <p>20 in the next paragraph, "Yeah, I'm worried about</p> <p>21 her job," which is consistent with what we just</p> <p>22 looked at in Plaintiff's Exhibit 219, correct?</p> <p>23 A Right.</p> <p>24 Q And, at that point, you turn the tape</p> <p>25 recorder off; isn't that correct?</p> <p style="text-align: right;">[Page 152]</p>
<p>1 kick her in the bucket, when it's not her?</p> <p>2 Q No, if you turn the page to 386.</p> <p>3 A Oh, I see.</p> <p>4 Yes. But, again, all of this stuff -- you</p> <p>5 know, Jackie and Alex are clearly telling me that</p> <p>6 they like Dean Eramo, and all of that is reflected</p> <p>7 in the article. I have Jackie quoted as saying</p> <p>8 that Dean Eramo is an asset to the community.</p> <p>9 What I'm bringing out in the article is</p> <p>10 that, despite -- and what I believe I go on to try</p> <p>11 to discuss with them is that, I'm having trouble</p> <p>12 squaring the idea that they like her so much, but,</p> <p>13 at the same time, I don't understand why more</p> <p>14 cases are not moving forward.</p> <p>15 Q And, at this point in the interview, you</p> <p>16 turn off your tape recorder; isn't that correct?</p> <p>17 A Where is that?</p> <p>18 Q I can direct your attention to Plaintiff's</p> <p>19 Exhibit 387, Bates 4381.</p> <p>20 A Oh, that's different.</p> <p>21 MS. McNAMARA: She wants to go back.</p> <p>22 Q You probably want to leave Plaintiff's</p> <p>23 Exhibit 219 open.</p> <p>24 But 4381, the middle of the page, "I turn</p> <p>25 the recorder off and tell them that I do think</p> <p style="text-align: right;">[Page 151]</p>	<p>1 A Yes.</p> <p>2 Q Why did you turn the tape recorder off to</p> <p>3 speak about Dean Eramo?</p> <p>4 A It wasn't specifically because I was</p> <p>5 talking about Dean Eramo. There are a couple of</p> <p>6 places here where I turned the tape recorder off.</p> <p>7 I often take the time to turn the tape recorder</p> <p>8 off when I'm going to go on at some length, and I</p> <p>9 know that I'm the one who does most of the</p> <p>10 transcribing myself, almost always, and I don't</p> <p>11 need to hear my own voice on tape.</p> <p>12 So, if I know that there's going to be a</p> <p>13 discussion that's not going to wind up being in</p> <p>14 the article, then I wind up turning off the tape</p> <p>15 recorder. It has nothing to do with this being</p> <p>16 about Dean Eramo.</p> <p>17 When I turned off the tape recorder, what</p> <p>18 I discussed with them is just a continuation of</p> <p>19 what we talked about here, which is that they are</p> <p>20 uncomfortable with the idea -- I'm discussing now</p> <p>21 the idea that I think that UVa may not be doing</p> <p>22 such a great job with some of these cases, some of</p> <p>23 these cases that might require greater action</p> <p>24 because of greater issues of campus security. And</p> <p>25 they're concerned that it's going to reflect badly</p> <p style="text-align: right;">[Page 153]</p>

<p>1 on Dean Eramo. And what I'm saying here is that, 2 I'm not talking actually talking about Dean Eramo, 3 it's just that the problem is, that she's the most 4 public face of sexual assault on campus because 5 she's the intake person. 6 Q You say here -- I take it, because it's in 7 brackets, this is a summary. And you've just said 8 that you'll turn off the tape recorder because 9 you'll go on at length; is that correct? 10 A At length meaning -- I mean, I don't know 11 if you're getting the sense -- because this is a 12 deposition. But I'm not really that big a talker. 13 So I don't really go on at -- when I say, "at 14 great length," you know, I don't really talk in a 15 lengthy way. 16 Q Well, when you were going on at great 17 length, or not at great length, you said that 18 there have been some legit worrisome issues that 19 have been raised that may not reflect well on the 20 administration, of which Dean Eramo is the most 21 public face because she is the one who deals with 22 students. 23 Did you communicate that when you turned 24 the tape recorder off? 25 A Yes. Well, that's exactly what I was just</p> <p style="text-align: right;">[Page 154]</p>	<p>1 Did you communicate that to Ms. [REDACTED] 2 and to Ms. Pinkleton? 3 A Yes. 4 Q That she's mishandling the whole -- "That 5 the situation is probably being mishandled." 6 Did you communicate that to Ms. [REDACTED] 7 and Ms. Pinkleton? 8 A I said it's not clear she's doing right by 9 you. So, it was unclear to me about the handling 10 of this situation, but that I did think that the 11 situation is probably being mishandled by 12 ultimately who was handling those issues, because 13 there was no campus warning that was issued. 14 Q You go on to say to Ms. [REDACTED] and 15 Ms. Pinkleton, "Because you aren't able to have 16 any kind of resolution and she may be putting the 17 entire community at risk." 18 Did you communicate that to Ms. [REDACTED] 19 and Ms. Pinkleton? 20 A Yes. And I also, by the way, elaborate. 21 The reason I had called Laura Dunn in the first 22 place was because there was a similar Title IX 23 investigation going on at Johns Hopkins, which I 24 mention right here, in which they were being 25 investigated for Title IX, in part because John</p> <p style="text-align: right;">[Page 156]</p>
<p>1 telling you. That the administration is -- you 2 know, I was concerned that the administration was 3 not handling certain things correctly and that 4 Dean Eramo -- I wasn't even aware, at that point, 5 who else was up the chain from Dean Eramo. 6 So, they were discussing their concerns 7 about Dean Eramo, and I was just trying to tell 8 them that Dean Eramo is just one person in this 9 chain. But so far, she is the person who sort of 10 most identifiable with this because she is the one 11 who interfaces with students. 12 Q And you communicated to Ms. Pinkleton and 13 Ms. [REDACTED] that you do have questions about 14 whether Jackie's case has been handled correctly; 15 isn't that correct? 16 A That's correct. Because, as you know, 17 I've spoken to Laura Dunn and to Daniel Carter, 18 and they were of the opinion that there should 19 have been a campus warning issued. 20 Q And you turn the recorder back on. And 21 then down another paragraph or so, you say, "I 22 think Dean Eramo seems like a wonderful person and 23 I know you all love her, but it's not clear she's 24 doing right by you or the university in this 25 scenario."</p> <p style="text-align: right;">[Page 155]</p>	<p>1 Hopkins did not alert the campus in a timely 2 fashion, or at all, when there was a rape 3 investigation happening at a fraternity. 4 Q If you could turn your attention to 5 Plaintiff's Exhibit 219, Bates ending in 387. I 6 want to direct your attention to the bottom of the 7 page. 8 [REDACTED] 9 [REDACTED] 10 [REDACTED]; is that correct? 11 A Yes. 12 Q And on 388, you communicate to 13 Ms. [REDACTED] "Oh, my God, no, this is important, 14 actually, because this is, this is all -- anything 15 that bolsters your story is helpful." 16 Did you communicate that to Ms. [REDACTED] 17 A Yes. 18 Q Further down on that same page, you say, 19 "I think it's incredibly important. I mean, 20 that's all. This is all, like, part of, like, 21 building your case, you know. I mean, Alex is 22 right. Like, your testimony plus the 23 documentation, plus, like, the sort of ancillary, 24 like, you know, like people saying, like, yes, 25 she's totally changed around, then, like, you</p> <p style="text-align: right;">[Page 157]</p>

<p>1 know, her grades dropped."</p> <p>2 Did you communicate that to Ms. [REDACTED]</p> <p>3 A Yes. I was hoping to accumulate as much</p> <p>4 detail as possible for the article.</p> <p>5 Q You thought her medical records were</p> <p>6 important to bolster her story; isn't that</p> <p>7 correct?</p> <p>8 A At the time, I -- I mean, at the time I</p> <p>9 did, as a way of trying to get her to just turn</p> <p>10 over as much stuff as she possibly could, and then</p> <p>11 I could sift through it later and decide what was</p> <p>12 going to be important to the article and what as</p> <p>13 not.</p> <p>14 Q [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 A Actually, ultimately, I decided -- I mean,</p> <p>19 I did try to get those records. And I tried very</p> <p>20 hard. I was very persistent, as you can probably</p> <p>21 see in my notes.</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p> <p style="text-align: right;">[Page 158]</p>	<p>1 A She did not.</p> <p>2 Q At the bottom of 388, Jackie changes the</p> <p>3 subject and she says, "I mean, I know that they</p> <p>4 have the anonymous report because I was with her</p> <p>5 when she sent it in."</p> <p>6 Do you see where I am?</p> <p>7 A Yes.</p> <p>8 Q And Ms. [REDACTED] was communicating to you</p> <p>9 that [REDACTED] -- am I using the right name? That</p> <p>10 [REDACTED] the first year, she was with [REDACTED] when</p> <p>11 [REDACTED] apparently communicated and put forward an</p> <p>12 anonymous report to the Dean of Students; is that</p> <p>13 correct?</p> <p>14 A Yes.</p> <p>15 Q And on the next page, 389, you respond,</p> <p>16 "So why isn't Dean Eramo fucking doing anything?</p> <p>17 This makes me so mad, actually. This makes me so</p> <p>18 fucking mad."</p> <p>19 Did you say those words?</p> <p>20 A I did.</p> <p>21 Q And then, later, Jackie responds and then</p> <p>22 later you say, "This is why Dean Eramo doesn't</p> <p>23 want -- and this is actually why -- this is why</p> <p>24 UVa celebrated up here because they all, they all</p> <p>25 know."</p> <p style="text-align: right;">[Page 160]</p>
<p>1 and it didn't run in the article.</p> <p>2 Q And you said you tried multiple times to</p> <p>3 get those medical records. That was from Jackie,</p> <p>4 correct?</p> <p>5 A That was from Jackie who said that -- at</p> <p>6 first, she thought she didn't have them. And then</p> <p>7 I asked if she could get another copy of them for</p> <p>8 me. Then she said she did have them. They were</p> <p>9 in a file at her house, which I asked her if she</p> <p>10 can go and get them. She said her mother was</p> <p>11 going to come and visit her on campus. She was</p> <p>12 going to ask her for them. But then she was</p> <p>13 uncomfortable asking her mother because her mother</p> <p>14 didn't know about it.</p> <p>15 Ultimately, she said that she was going to</p> <p>16 ask her mother to bring it to campus. And then,</p> <p>17 Jackie and I fell out of touch for a little bit.</p> <p>18 And by the time she came back onto the radar</p> <p>19 screen, I just -- you know, [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 Q But Jackie ultimately didn't get the</p> <p>24 medical records that you had asked for; is that</p> <p>25 correct?</p> <p style="text-align: right;">[Page 159]</p>	<p>1 Did you say those words?</p> <p>2 A I don't remember saying these words, and I</p> <p>3 don't even know what they mean.</p> <p>4 Q Do you dispute that you said those words?</p> <p>5 A I just don't know if this is a correct</p> <p>6 transcription because it just doesn't make any</p> <p>7 sense.</p> <p>8 Q I was going to ask you what you meant when</p> <p>9 you said "Dean Eramo wants." What does that mean?</p> <p>10 What did you believe Dean Eramo wanted?</p> <p>11 A I don't know what I was supposing Dean</p> <p>12 Eramo wanted. All I knew, at that time, about</p> <p>13 Dean Eramo, was that she was not allowed to meet</p> <p>14 with me.</p> <p>15 We had had an interview scheduled that I</p> <p>16 had been very much looking forward to. It was</p> <p>17 actually supposed to be earlier that day, and I</p> <p>18 was very frustrated because it had been canceled</p> <p>19 over my objections. And it gave me the sense that</p> <p>20 I was being stonewalled, and that they were trying</p> <p>21 to prevent -- that UVa was trying to prevent</p> <p>22 information from getting out.</p> <p>23 Q What did you mean when you said "UVa</p> <p>24 celebrated up here"?</p> <p>25 A I don't actually think I said that. I</p> <p style="text-align: right;">[Page 161]</p>

<p>1 think that's got to be -- that doesn't even make 2 any sense. That must be -- that must be an 3 erroneous transcription.</p> <p>4 Q I'm going to direct your attention to 392. 5 At the top of the page, you ask Ms. [REDACTED] to 6 [REDACTED] 7 isn't that correct?</p> <p>8 A Yes.</p> <p>9 Q And then Ms. [REDACTED] responds that her mom 10 has them; is that right?</p> <p>11 A Yes.</p> <p>12 Q And then you ask her, when you speak to 13 Ms. [REDACTED] the senior, if you could ask her to 14 send those to you, the medical records, correct?</p> <p>15 A Yes.</p> <p>16 Q And Jackie goes on to say, "I don't think 17 my mom has them, actually, I never told her." 18 Do you see that?</p> <p>19 A Yes.</p> <p>20 Q Did that cause a red flag in your mind, 21 that Jackie was telling you that her mom had the 22 medical records. And then when you asked for 23 those medical records and for her mom to send them 24 to you, she was then changing her story that her 25 mom didn't have them?</p> <p style="text-align: right;">[Page 162]</p>	<p>1 inquiry into what victim's choice meant on -- in 2 the real life situation of a college campus. And 3 I couldn't make guarantees as to how everybody was 4 going to turn out.</p> <p>5 Now, I took into account -- I mean, they 6 really impressed upon me in this discussion, and 7 others, and other people did as well, that Dean 8 Eramo was beloved on campus, and I incorporated 9 that into the article.</p> <p>10 Q You respond to Alex, you say, "I mean, if 11 it makes you feel better, I can make it clear that 12 you guys all love her," correct?</p> <p>13 A Yes.</p> <p>14 Q And Alex responds, "Love her. Yeah, yeah, 15 that would be good. I just don't want it to be, 16 like, us --" and then it's indiscernible. And 17 Jackie says, "Article bashing."</p> <p>18 And you respond, "Right. It can be me, 19 sort of, saying, like, like, you know, this woman 20 should be doing more, you know."</p> <p>21 Did you communicate that to Ms. Pinkleton 22 and Ms. [REDACTED]?</p> <p>23 A Yes. I mean, meaning that the 24 criticism -- they wanted to make sure that they 25 didn't want to come across as being overly</p> <p style="text-align: right;">[Page 164]</p>
<p>1 MR. CHEW: Objection to the form of the 2 question.</p> <p>3 A No, that didn't concern me. [REDACTED] 4 [REDACTED] -- I don't know 5 whether it's really captured by the description, 6 [REDACTED] 7 [REDACTED] 8 [REDACTED]</p> <p>9 So, I don't think Jackie had been prepared 10 to talk about it. So, her mind was -- I just took 11 that as she was thinking out loud. Her mom 12 probably has all of her medical records. And 13 then, wait, no, she didn't tell her mom about it. 14 That, that makes -- that was not -- didn't appear 15 to me to be problematic at all.</p> <p>16 Q I'm going to direct your attention to 393, 17 the next page, the very bottom, "Alex, just 18 getting back to, like, why you're concerned. So, 19 I mean, is this going to make Dean Eramo look bad? 20 I might, you know, it might make her look bad." 21 Did you communicate that to Ms. Pinkleton?</p> <p>22 A I did. I was just preparing her for the 23 idea that this was not going to be some kind of 24 puff piece. I was going where the reporting was 25 leading me. I was opening the -- this line of</p> <p style="text-align: right;">[Page 163]</p>	<p>1 critical of, of their university or of Dean Eramo, 2 as the administrator of sexual assault cases.</p> <p>3 And so, I was making it clear to them that 4 it wasn't going to reflect badly on them. That 5 if -- if it was going to be my opinion that things 6 were not being handled entirely the way that they 7 should at the university, that that was going to 8 be the opinion of me and whatever other critics I 9 included in the article.</p> <p>10 Q And that criticism was going to come from 11 you, correct?</p> <p>12 A In part, that would be the conclusion that 13 I reached. But, in part, it would be informed by 14 the critics that I include in the article.</p> <p>15 Q And you go on to say, "But not you guys. 16 I mean, you guys have never said anything to that 17 effect."</p> <p>18 Did you say those words?</p> <p>19 A Yes. To that point, they had never been 20 critical of Dean Eramo. Alex changed her mind 21 later in the process, as I'm sure you've seen in 22 my notes.</p> <p>23 Q Do you think the article made Dean Eramo 24 look bad?</p> <p>25 A I don't think it made her look -- I feel</p> <p style="text-align: right;">[Page 165]</p>

<p>1 as though it made clear that Dean Eramo was in a 2 pretty difficult situation; having to navigate the 3 needs of these students which are significant, 4 their emotional needs, and. Also having to comply 5 with this whole notion of victim's choice, was, at 6 this point, kind of the trend on campus where any 7 decision is considered to be a good decision. 8 And yet, at the same time, Title IX makes 9 certain demands that certain cases have to move 10 forward in certain ways into these campus courts 11 that are really not prepared to handle these kinds 12 of things. 13 So, that is what I tried to make clear in 14 the article, that I think that she's in a -- she, 15 and administrators, are in very difficult 16 positions. 17 Q I'd like to direct your attention to 18 Plaintiff's Exhibit 387, your reporting file, and 19 Bates 4203. And this is your interview with 20 John -- 21 A I'm sorry, what page? 22 Q 4203. This is a part of your interview 23 with Mr. Foubert who is the founder with One in 24 Four. 25 Do you recall having an interview with</p> <p style="text-align: right;">[Page 166]</p>	<p>1 A Oh, no, I do not. 2 Q I want to direct your attention to -- 3 well, let me -- before I do that. You 4 understand -- you know what FERPA is, correct? 5 A Now I do. 6 Q You understood -- you knew what FERPA was 7 before the publication of the article, correct? 8 A I had some understanding. It's hard for 9 me to remember how much I knew about it then 10 versus how much I know about it now. 11 Q Well, I can direct your attention to 4223. 12 This is your interview -- this is a phone call 13 that you had with Mr. McGregor. 14 Do you recall having a conversation with 15 Mr. McGregor about Dean Eramo's interview? 16 A 4223? 17 MS. McNAMARA: I think this is an 18 interview with Daniel Carter. 19 MS. LOCKE: Oh, I apologize. 20 Q I'm sorry, this is an interview with 21 Daniel Carter. Who's the -- who is Daniel Carter? 22 A He is -- he used to be the head of a group 23 called Security on Campus, which is now the Cleary 24 Foundation, which is responsible for -- it's like 25 a campus safety watchdog group. And now he's the</p> <p style="text-align: right;">[Page 168]</p>
<p>1 him? 2 A Yes. 3 Q And at the top of Plaintiff's Exhibit 387, 4 Bates 4203, Mr. Foubert, and it's in bold in your 5 notes, Mr. Foubert tells you that the University 6 of Virginia was the third One in Four chapter, but 7 they're the oldest chapter in continuous 8 existence; is that correct? 9 A Yes. 10 Q You didn't mention that fact in the 11 article; is that correct? 12 A I mention that they have a One in Four 13 chapter. 14 Q You also interviewed Brian Head, who was 15 the head of One in Four; is that correct? 16 A Yes, I quote him in the article. 17 Q And you quote him as saying something 18 along the lines of the most impressive person in 19 UVa is the person who gets straight As and goes 20 out to all the parties; is that correct? 21 A Yes. 22 Q You don't identify him as the president of 23 One in Four, do you? 24 A Why is that necessary? 25 Q I'm asking you the question.</p> <p style="text-align: right;">[Page 167]</p>	<p>1 head of the Virginia Tech -- it's basically the 2 same, the same kind of role but at Virginia Tech. 3 Q And in your interview with Mr. Carter, 4 there's some back and forth about federal 5 violation in UVa. 6 Do you recall having an interview with 7 Mr. Carter about that? 8 A I recall having an interview with 9 Mr. Carter, yes. 10 Q And Mr. Carter says that, "I do recall 11 very specifically that this was only in one 12 respect to punishment --" 13 MS. McNAMARA: Where are you reading? 14 MS. LOCKE: On 4223, in the middle of the 15 page. 16 Q "I do recall very specifically that this 17 was only in respect to punishment because the 18 university had felt compelled due to law. They 19 thought they were complying with another law." 20 To which you respond, "FERPA?" 21 Do you see that? 22 A Uh-huh. 23 Q It's fair to say, as of your interview 24 with Mr. Carter on July 27, you at least had an 25 understanding that FERPA imposed some laws on</p> <p style="text-align: right;">[Page 169]</p>

[43] (Pages 166 to 169)

<p>1 universities with respect to student privacy; is 2 that correct?</p> <p>3 A Yes. In kind of the most general sense, 4 but yes.</p> <p>5 Q And you had a call with Mr. McGregor, 6 correct, before you were supposed to interview 7 Dean Eramo; is that correct?</p> <p>8 A Correct. After I set up the interview 9 with Dean Eramo, she suggested that I -- wait, 10 I -- I don't remember how that call came about.</p> <p>11 Q I'm going to direct your attention to 12 4326, and we'll get it in front of us.</p> <p>13 In your interview with Mr. McGregor, he 14 tells you that, "She," meaning Dean Eramo, "can't 15 talk about any specific cases or allegations 16 because of student privacy. They never talk about 17 that."</p> <p>18 Do you see where I am?</p> <p>19 A Right, yes.</p> <p>20 Q "What if I were to get a waiver from the 21 students?"</p> <p>22 Did you ask Mr. McGregor that question?</p> <p>23 A I did. I was sort of brainstorming -- I 24 was dismayed to hear that they wouldn't be able to 25 speak about specific cases because of privacy.</p> <p style="text-align: right;">[Page 170]</p>	<p>1 the University of Virginia with a waiver that 2 would allow to you speak candidly with the 3 University of Virginia about Jackie's allegations; 4 is that correct?</p> <p>5 MS. McNAMARA: Objection. Lack of 6 foundation and misstates the evidence.</p> <p>7 MR. CHEW: Objection.</p> <p>8 A To be clear, too, I actually, to this day, 9 I don't know even if such a waiver exists. If 10 there is some kind of boiler plate that somebody 11 could go ahead and sign. I don't even know.</p> <p>12 Q What steps did you take to investigate 13 whether such a waiver exists?</p> <p>14 A None. McGregor said that they had never 15 done anything like that. He sounded kind of 16 dumbfounded at the idea. He said that he would 17 run it up the chain and get back to me about it.</p> <p>18 Q You responded to him, "I don't know if we 19 have time to do all of that before my trip"; isn't 20 that correct?</p> <p>21 A Yes. But then I said, "Maybe afterwards, 22 it's a possibility for a follow-up because we have 23 time."</p> <p>24 Q I'm going to hand you what's been marked 25 as Plaintiff's Exhibit 61, which is the transcript</p> <p style="text-align: right;">[Page 172]</p>
<p>1 And so, the first thing I thought of was, you 2 know, what's -- what are ways that we could get 3 around that. So, I wondered whether there was 4 some kind of waiver.</p> <p>5 Q Did you ask Jackie for a FERPA waiver?</p> <p>6 A I didn't know that a FERPA waiver even 7 existed.</p> <p>8 Q Did you ask for -- did you ask for any 9 kind of waiver from Jackie?</p> <p>10 A No. Well, I asked McGregor whether such a 11 thing existed. And he said, "We'd never done 12 that. I suppose we can ask and I can run it up 13 the channels." And he never got back to me about 14 it.</p> <p>15 But they did make it clear, nonetheless -- 16 I mean, throughout our interactions, like, when I 17 was on the phone with Teresa Sullivan, they always 18 made it clear that they were not going to discuss 19 anything having to do with any student.</p> <p>20 Q But did you ever ask Jackie for a waiver?</p> <p>21 A No. But as I said, I didn't even know 22 that such a waiver -- I was just, I was just 23 brainstorming. I didn't even know that such a 24 waiver existed.</p> <p>25 Q So, it's fair to say you never presented</p> <p style="text-align: right;">[Page 171]</p>	<p>1 of your interview with Sara Surface.</p> <p>2 (Transcript of interview with 3 Sara Surface Bates stamped 4 RS012126 through 12153 was 5 referenced as Plaintiff's 6 Exhibit 61.)</p> <p>7 Q Do you recall interviewing Sara Surface 8 for "A Rape on Campus"?</p> <p>9 A Yes.</p> <p>10 Q I'm going to direct your attention to 11 Bates ending in 129. You tell Ms. Surface, sort 12 of in italics in the middle of the page down, "And 13 the idea that gang rape happens here is something 14 that, as a person who is like an optimist and a 15 lover of humanity, I had a really hard time 16 wrapping my mind around. And so the article is 17 going to be -- that is definitely going to change. 18 I mean, having a gang rape in your article is 19 going to change the nature of your article."</p> <p>20 Do you see where I am?</p> <p>21 A Yes.</p> <p>22 Q Did you communicate that to Ms. Surface?</p> <p>23 A Yes.</p> <p>24 Q How, in your view, would including a gang 25 rape in your article change the nature of the</p> <p style="text-align: right;">[Page 173]</p>

[44] (Pages 170 to 173)

<p>1 article?</p> <p>2 A Well, I mean, as I go on to say, I was</p> <p>3 sort of thinking aloud with Sara. Everything that</p> <p>4 happened while I was on the campus, finding</p> <p>5 Jackie, speaking with her more at length, and</p> <p>6 realizing, for the first time, that Jackie really</p> <p>7 was going to play a part in the article -- which</p> <p>8 hadn't been clear up to that point -- made me try</p> <p>9 to understand how I was going to square the idea</p> <p>10 that -- I'd originally been trying to fit together</p> <p>11 an article about something that was going to be</p> <p>12 very nuanced about campus culture and hookups and</p> <p>13 drinking, and then how do you -- how do you</p> <p>14 present all of that with something as, you know,</p> <p>15 as shocking, I guess, as, as a gang rape.</p> <p>16 Q I'd like to direct your attention to Bates</p> <p>17 ending in 151. The end of the long paragraph, my</p> <p>18 understanding is that the text that's not in</p> <p>19 italics is where you are not speaking, it's</p> <p>20 Ms. Surface speaking; is that correct?</p> <p>21 A This is actually my first time looking at</p> <p>22 this particular one. I'm sorry, so the part</p> <p>23 where -- can you repeat that?</p> <p>24 Q So, the paragraph that's not in italics</p> <p>25 where there's bolding, that would be Sara Surface</p> <p style="text-align: right;">[Page 174]</p>	<p>1 normal. And now they're being told to wait a</p> <p>2 minute -- that they're being told, wait a minute,</p> <p>3 it's not normal and you need to rethink them and</p> <p>4 change. That's, a lot, I think."</p> <p>5 Did you communicate that to Ms. Surface?</p> <p>6 A Yes, it was part of a larger conversation</p> <p>7 we were having about sexual assault on college</p> <p>8 campus and how difficult it is to change cultural</p> <p>9 norms.</p> <p>10 Q Do you believe that there is a culture of</p> <p>11 male privilege and entitlement at UVa?</p> <p>12 A I believe that the culture of male</p> <p>13 privilege is one that we all live in, not just at</p> <p>14 UVa.</p> <p>15 Q But it's fair to say that there is a</p> <p>16 culture, in your view, a culture of male privilege</p> <p>17 and entitlement at UVa?</p> <p>18 MR. CHEW: Object to the form of the</p> <p>19 question. Asked and answered.</p> <p>20 A Yes, I came to believe that. Especially</p> <p>21 through my conversations with these young women</p> <p>22 like Sara Surface and Alex Pinkleton. Alex, who</p> <p>23 is always referencing the patriarchy, and part of</p> <p>24 their reason for wanting to create this sexual</p> <p>25 assault -- antisexual assault group, One in</p> <p style="text-align: right;">[Page 176]</p>
<p>1 speaking. But the italics on the page is where</p> <p>2 you would be speaking; is that correct?</p> <p>3 A Yes.</p> <p>4 Q And Ms. Surface says, "Like, it's trendy</p> <p>5 to think rape is bad now, but are we actually</p> <p>6 doing anything about it? And so, I think that's</p> <p>7 why we're not as radical, because we think that we</p> <p>8 have to take these small steps to get the campus</p> <p>9 culture on the same line."</p> <p>10 And you respond, "I think that's very hard</p> <p>11 to ask people to change their ways, not to just be</p> <p>12 able to change their culture, but actually to</p> <p>13 change things, I think."</p> <p>14 Did you say that?</p> <p>15 A Yes. It looks like it was the beginning</p> <p>16 of a thought, yes.</p> <p>17 Q And then you continue your thought. It</p> <p>18 says, after the waiter interrupts and says -- you</p> <p>19 say, "My pleasure." It says, "But especially to</p> <p>20 ask the men to change because it's like, you know,</p> <p>21 what we're talking about is changing the culture</p> <p>22 of male privilege and entitlement, and a sense</p> <p>23 that they've been looking forward their whole</p> <p>24 lives, to go to college and indulge in these kinds</p> <p>25 of behaviors that they've always been taught is</p> <p style="text-align: right;">[Page 175]</p>	<p>1 Four -- I mean, One Less, and partnering with One</p> <p>2 in Four was -- it was to challenge those kinds of</p> <p>3 constructs.</p> <p>4 And in fact, Brian Head and Matt</p> <p>5 Menenez's, both of whom are in One in Four, and</p> <p>6 John Foubert, who was the founder of One in Four,</p> <p>7 all talk about how that was really the impetus to</p> <p>8 start One in Four in the first place. Because, in</p> <p>9 order to challenge that male-dominated structure,</p> <p>10 it needs to be challenged by men.</p> <p>11 Q Do you also believe that there's a culture</p> <p>12 at UVa where men look forward to going to college</p> <p>13 and indulge in behaviors that they've been taught</p> <p>14 is normal?</p> <p>15 A I think that everyone, male and female,</p> <p>16 goes to college -- not everyone. Many people go</p> <p>17 to college, male and female, assuming, from all of</p> <p>18 the expectations that they've been given, that</p> <p>19 it's going to be a free-willing good time with</p> <p>20 lots of drinking and sex and -- and those are the</p> <p>21 expectations that our culture loathes them with.</p> <p>22 Q But with respect to men in particular,</p> <p>23 what are the behaviors that they've been taught</p> <p>24 are normal that you're referring to here?</p> <p>25 A That -- well, exactly that. That college</p> <p style="text-align: right;">[Page 177]</p>

<p>1 is a place where everybody wants to get drunk and 2 have sex. And not everybody at college wants to 3 get drunk and have sex. 4 Q Are those -- did those behaviors include 5 rape-acceptance? 6 A Well, as we can see on other campuses -- 7 and I reference this in the article -- and if you 8 don't mind, I'm going to look up the article just 9 so I can be accurate about this. This -- I think 10 it might be in the bottom of my stack here. 11 MS. McNAMARA: Here it is (handing). 12 THE WITNESS: Thank you. 13 A This kind of culture of, sort of, male 14 entitlement and the way that it bleeds into sexual 15 assault is the kind of nuanced thing that I wanted 16 to address in the article. And it shows up in 17 places where I kind of take people on a tour of 18 other campuses and some of the outrageous things 19 that have happened on other campuses. 20 So, for example, that translates into, at 21 Yale, there was an episode where men were walking 22 around chanting, "No means yes; yes means anal." 23 All right, so there was a University of 24 Wisconsin-Milwaukee fraternity that was accused of 25 using color-coded hand stamps as a signal to</p> <p style="text-align: right;">[Page 178]</p>	<p>1 were -- that I was discussing with many of these 2 women, like with Emily Renda, and she was citing 3 the research of Elizabeth Armstrong where women 4 have to walk this very fine line of wanting to 5 look hot, but not slutty, because men are looking 6 for women who are hot. The expectation is that, 7 if you look really hot, then you're probably up 8 for sex. 9 And I think that that's really the crux of 10 what Sara and I are talking about, is the idea 11 that is women are engaged in certain behaviors, 12 then they're -- then they're implicitly giving 13 consent for sex. 14 Q And those are -- 15 A And these are exactly the kinds of things, 16 by the way, that groups like One in Four and One 17 Less are trying to educate the fraternities to try 18 to make them understand that, that those things 19 are not the case. That, just because a woman is 20 incredibly drunk or passed out, or even taking off 21 her clothes, it doesn't necessarily mean that she 22 is giving consent. 23 Q I want to direct your attention to your 24 reporting file, Plaintiff's Exhibit 387, and Bates 25 4404.</p> <p style="text-align: right;">[Page 180]</p>
<p>1 roofie their guests. 2 This didn't make it into the article, but 3 there were -- there was a -- was this in here? 4 The Dartmouth rape guide that was published on one 5 of their anonymous student boards, which gave 6 detailed instructions as to how to rape vulnerable 7 freshman. 8 These are the kinds of things that boil 9 over when you have these expectations that come 10 onto the campus and express themselves in overly 11 hostile ways. 12 Now, it expressed itself in more subtle 13 ways in the University of Virginia campus, but 14 nobody -- I mean, I don't, I don't -- are you 15 saying that -- you're asking me whether such a 16 thing exists? 17 Q No. I was just asking what are the 18 behaviors that you were talking about with Sara 19 Surface that they've been taught are the norm in 20 this conversation that you've been having with 21 Sara Surface about sexual assault. 22 And so, I'm just curious what those 23 behaviors that men have that you think are the 24 norm. 25 A Well, I think the kinds of things that we</p> <p style="text-align: right;">[Page 179]</p>	<p>1 MS. McNAMARA: 4404? 2 MS. LOCKE: 4404. 3 Q And you can flip a few pages forward and 4 backward, and I believe this is an interview with 5 Ms. [REDACTED] on or around September 16th. 6 And if you could just confirm that that's 7 correct. 8 A Yes. 9 Q In the middle of the page of 4404, you ask 10 Ms. [REDACTED] "How would you feel if I reached out 11 to him --" being [REDACTED] "-- for comment?" 12 Do you see that? 13 A Yes. 14 Q And Ms. [REDACTED] says that she's not 15 comfortable with that, correct? 16 A Yes. 17 Q And she suggests that [REDACTED] may not live in 18 Charlottesville anymore; is that correct? 19 A Yes. 20 Q And you tell her to think about it; isn't 21 that correct? 22 A Yes. 23 Q Why do you ask her to think about it? Did 24 you need Ms. [REDACTED] consent to reach out to 25 [REDACTED]</p> <p style="text-align: right;">[Page 181]</p>

<p>1 A No. But I wanted her to be comfortable 2 with the idea.</p> <p>3 We had built up a level of -- over the 4 course of our interactions, she had confided in me 5 a lot of incredibly sensitive stuff, and was 6 willing to go public with it. She was even -- I 7 can't remember if, at this point, she was willing 8 to use her real name. But, at some point, she 9 decided to commit to using her real name, which 10 was, I thought, a hugely brave and corroborative 11 things. So, we had really developed a high degree 12 of trust.</p> <p>13 And I wanted her -- it's important, I 14 think, for a victim of trauma, to be, to be 15 comfortable with the process. And I think that 16 the trust that we had built, and the trust that 17 she had in me, meant that she was comfortable with 18 the process up until now. So, I just wanted to 19 prepare her. I was planting the seed now, that I 20 was going to be calling her and I was going to let 21 her sit with the idea a little bit before I circle 22 back.</p> <p>23 MS. McNAMARA: This interview occurred on 24 December 17, not the 16th. 25 MS. LOCKE: I said on or around the 16th.</p> <p style="text-align: right;">[Page 182]</p>	<p>1 with them. And while I was waiting for her -- and 2 I had given her a laundry list of things for her 3 to come back to me with, and she came back to me 4 with quite a bit of it.</p> <p>5 But while I was waiting for her to get 6 back to me, I did a little bit of my own 7 independent research, and I found their own last 8 names independently, so there was no need to ask 9 her for the last names.</p> <p>10 Q Ms. [REDACTED] says that, "I'll talk to her, 11 I'll talk to her sister. I don't have [REDACTED] 12 number. I've never had her number. I just kind 13 of met her through her sister." And Ms. [REDACTED] 14 offered to reach out to [REDACTED] isn't that correct?</p> <p>15 A Yes. And that didn't surprise me. None 16 of this actually surprised me at all. That I had 17 blind-sided her with -- you have to understand, 18 she had been -- there's a lot of trust involved 19 when trauma victims are speaking to one another, 20 and when you're speaking to a trauma victim.</p> <p>21 So, she had been told by two other people 22 who had been allegedly sexually assaulted about 23 their assaults. She had no authority to tell me, 24 but now here I was -- so -- and -- so, here I was, 25 in a sense, threatening to work around her and</p> <p style="text-align: right;">[Page 184]</p>
<p>1 MS. McNAMARA: I just want to make sure 2 the record is accurate.</p> <p>3 Q And you ultimately did ask Ms. [REDACTED] for 4 [REDACTED] last name; is that correct?</p> <p>5 A I did.</p> <p>6 Q And she refused to give it to you; isn't 7 that correct?</p> <p>8 A Yes.</p> <p>9 Q You go on, on this page, at the very 10 bottom in brackets, you go on to tell Ms. [REDACTED] 11 that you think you found out who [REDACTED] and [REDACTED] 12 are, and Ms. [REDACTED] tells you that it's not them, 13 but you don't believe her; is that correct?</p> <p>14 A That's correct.</p> <p>15 Q Why didn't you believe Ms. [REDACTED]</p> <p>16 A It just -- I looked at all the information 17 that I had found. I found their social media 18 pages. It just seemed to me that -- I can't 19 remember specifically, but I felt pretty convinced 20 that these were the right people.</p> <p>21 Q Did you ever ask Ms. [REDACTED] for [REDACTED] or 22 [REDACTED] last name?</p> <p>23 A Not that I recall.</p> <p>24 Q Why not?</p> <p>25 A I was waiting for her to put me in touch</p> <p style="text-align: right;">[Page 183]</p>	<p>1 contact these people directly, which would not 2 just reveal to them that she had released their 3 secret, but also was probably not going to illicit 4 a positive response from these people when they 5 were contacted by a stranger to be asked about a 6 gang rape that they had never told me about.</p> <p>7 So, I understood immediately why she 8 answered so sensitively and why she wanted to be 9 the go-between.</p> <p>10 And as a reporter wanting to write about 11 something sensitive, I mean, the best way to 12 approach somebody whose been through a traumatic 13 experience really is to be introduced by somebody 14 that they trust. So, it would have been my 15 preference to reach them through somebody -- 16 through an intermediary that they trusted.</p> <p>17 Q Your preference notwithstanding, do you 18 think you had a journalistic obligation to reach 19 out to [REDACTED] and [REDACTED] who you thought you had 20 identified, to ask them about whether they did, in 21 fact, allege that they were gang raped at Phi Psi 22 before you printed it in Rolling Stone magazine?</p> <p>23 MS. McNAMARA: Objection. 24 Mischaracterization. 25 She didn't print their names.</p> <p style="text-align: right;">[Page 185]</p>

<p>1 A Right, we never did print their names. I 2 felt very secure in my source, Jackie, and in her 3 credibility, and in what she had told me, which 4 was that they had confided in her that they had 5 had these experiences.</p> <p>6 Q And it didn't concern you that Jackie was 7 seeking to control your access to all of these 8 third-parties?</p> <p>9 MS. McNAMARA: Objection. 10 Mischaracterization of the evidence.</p> <p>11 A She never gave me the impression that she 12 was trying to control my access. She was trying 13 to protect the people involved. She was worried 14 about everybody's feelings involved, and she was 15 trying to go about things as delicately as 16 possible.</p> <p>17 Q I want to direct your attention to 4407. 18 Towards the bottom of the page, Jackie says, "I 19 want to see how this plays out with Phi Psi 20 national here. I was thinking about a way you can 21 get [REDACTED] story without talking to her, because 22 she kind of told me to fuck off. But she filed a 23 report, and I know she did because I was with her 24 when she filed it. And she filed it with Dean 25 Eramo over the internet describing her assault."</p> <p style="text-align: right;">[Page 186]</p>	<p>1 28th. And I don't remember that night, or I never 2 heard her come in."</p> <p>3 Fair to say that Ms. Soltis communicated 4 to you that Ms. [REDACTED] was raped by six different 5 men?</p> <p>6 A Yes, that was her recollection of what she 7 was told, you know, a year or so before that.</p> <p>8 Q You go on to ask, at the bottom of the 9 page, "When she gathered you guys around, what did 10 she say happened?" asking about Jackie and her 11 gang rape, correct?</p> <p>12 A Yes.</p> <p>13 Q And Ms. Soltis tells you that these guys 14 forced her to do oral sex. That's what she did at 15 first.</p> <p>16 Do you see that?</p> <p>17 A Yes.</p> <p>18 Q So, it's fair to say that Ms. Soltis told 19 you that the first story that Jackie told was that 20 she was forced to perform oral sex on six men, 21 correct?</p> <p>22 A Yes.</p> <p>23 MS. McNAMARA: Objection. That 24 mischaracterizes the, the document.</p> <p>25 Q And that's the -- that's a very different</p> <p style="text-align: right;">[Page 188]</p>
<p>1 Do you see where I am?</p> <p>2 A Yes. I believe -- well, I don't want to 3 speak out of turn, but, ultimately, I asked the PR 4 department for a list of statistics that they 5 received about reports, and I asked them 6 specifically about -- I don't want to speak out of 7 turn, but about anonymous reports in order to 8 follow up on exactly this.</p> <p>9 Q Did you ask Ms. [REDACTED] for [REDACTED] last 10 name?</p> <p>11 A I did not. But she did present to me 12 texts that she had with [REDACTED] trying to convince 13 her to speak to me.</p> <p>14 Q I'm going to direct your attention to the 15 same exhibit, Plaintiff's Exhibit 387, 4419, your 16 interview with Ms. Rachel Soltis.</p> <p>17 And in particular, on the next page of 18 your interview with Ms. Soltis, on 4420, you ask 19 Ms. Soltis what she was like at first, at the 20 beginning of the year.</p> <p>21 And Ms. Soltis, in part, says, towards the 22 end of her answer, "But then she was raped, gang 23 raped by six different guys around the second 24 weekend of the -- the second weekend of school 25 around -- I want to say around the 26th or the</p> <p style="text-align: right;">[Page 187]</p>	<p>1 rape than the rape and the details of which 2 Ms. [REDACTED] told you on your first interview with 3 her, that she was vaginally raped by seven men, 4 correct?</p> <p>5 A Well, as Rachel goes on to say in the 6 course of this same interview, that, over the 7 course of time -- over the course of a few months, 8 as Jackie became more comfortable with the, you 9 know, with the details, that the full story came 10 out.</p> <p>11 Q Well, my question was a little bit 12 different.</p> <p>13 My question was: Ms. Soltis told you that 14 when she first -- when Jackie first told her 15 friends the story of rape, she told her friends 16 that she had been forced to perform oral sex on 17 six men, correct?</p> <p>18 MS. McNAMARA: Objection. That 19 mischaracterizes the very document you're 20 looking at, the very page you're looking at.</p> <p>21 Q That she was forced to do oral sex, 22 putting the number aside; isn't that correct?</p> <p>23 A Yes, that's correct.</p> <p>24 Q And then Ms. Soltis goes on to say, "But 25 it wasn't until later on that she told me she was</p> <p style="text-align: right;">[Page 189]</p>

<p>1 raped by, I think, six guys, that they actually</p> <p>2 put a broken bottle inside of her," correct?</p> <p>3 A Correct.</p> <p>4 Q And the first story of oral sex was</p> <p>5 different than the story that Jackie told you;</p> <p>6 isn't that correct?</p> <p>7 A Yes. It was different from the story that</p> <p>8 she initially -- the story that she ultimately</p> <p>9 told Rachel when she came to terms with her rape</p> <p>10 was different than the story that she originally</p> <p>11 told Rachel, but was similar to the story that she</p> <p>12 told me.</p> <p>13 Q Ms. Soltis also tells you that she was</p> <p>14 raped by a broken bottle, by someone putting a</p> <p>15 broken bottle inside of her.</p> <p>16 Ms. [REDACTED] never told you that a broken</p> <p>17 bottle was used to rape her; isn't that correct?</p> <p>18 A Yes. But I didn't worry about that. I</p> <p>19 mean, the -- to me, the compelling thing was that</p> <p>20 she remembered that there was a bottle involved.</p> <p>21 Q Further down in Plaintiff's Exhibit 387 --</p> <p>22 A And she's also -- can I also mention</p> <p>23 something else? She's not the only person to</p> <p>24 volunteer and to corroborate that there were these</p> <p>25 elements of the rape that Jackie had told me</p> <p style="text-align: right;">[Page 190]</p>	<p>1 Ms. [REDACTED] correct?</p> <p>2 A Yes.</p> <p>3 MS. McNAMARA: I believe it was "Why did</p> <p>4 you go up to his room," not why didn't you.</p> <p>5 Q And then you say, "And then, just</p> <p>6 generally be dismissive of, or even ridiculing</p> <p>7 it."</p> <p>8 Do you see where I am?</p> <p>9 A Yes.</p> <p>10 Q And Ms. Soltis then tells you, "Yeah,</p> <p>11 Kathryn Hendley, or Hinkley, yeah, she's -- I've</p> <p>12 heard that while she apparently is a real -- I</p> <p>13 don't want to say it, but she kind of brings guys</p> <p>14 to her room, and Jackie would say she's slept with</p> <p>15 more than 40 guys. I don't want to slut-shaming</p> <p>16 but Kathy and Al told Jackie not to tell because</p> <p>17 it would ruin her reputation."</p> <p>18 Did Ms. Soltis communicate that</p> <p>19 information to you?</p> <p>20 A Yes.</p> <p>21 Q And so, Ms. [REDACTED] had already told you</p> <p>22 Kathryn's first name, correct?</p> <p>23 A Right.</p> <p>24 Q And now you also had, at least some</p> <p>25 version, of Ms. Hendley's last name; is that</p> <p style="text-align: right;">[Page 192]</p>
<p>1 about.</p> <p>2 So, for example, when I interviewed Annie</p> <p>3 Forrest, she volunteered that there was a foreign</p> <p>4 object involved. I mean, these were things that</p> <p>5 made impressions on people and they, they</p> <p>6 volunteered them.</p> <p>7 Q If you look further down on Plaintiff's</p> <p>8 Exhibit 387, Bates 4421, you ask Ms. Soltis about</p> <p>9 how people respond --</p> <p>10 A I'm sorry, I missed -- which page?</p> <p>11 Q It's the same page that we're on, 4421.</p> <p>12 MS. McNAMARA: 4421.</p> <p>13 Q You ask how people responded to</p> <p>14 Ms. [REDACTED] story of gang rape. Sort of middle</p> <p>15 of the page, "Jackie told me she got some pretty</p> <p>16 weird reactions from other people."</p> <p>17 Do you see where I am?</p> <p>18 A Yes.</p> <p>19 Q And then you ask a follow-up question</p> <p>20 where you say, "People saying things like, Why</p> <p>21 didn't you go up to his room, what were you</p> <p>22 wearing?"</p> <p>23 Do you see where I am?</p> <p>24 A Yes.</p> <p>25 Q And you asked that question of</p> <p style="text-align: right;">[Page 191]</p>	<p>1 correct?</p> <p>2 A It was an approximation.</p> <p>3 Q What steps did you take, upon learning of</p> <p>4 Kathryn's last name, or an approximation of her</p> <p>5 last name, to look her up?</p> <p>6 A Well, as I mentioned before, the route</p> <p>7 into the three friends -- it had already been</p> <p>8 established to me that Kathryn, in particular, and</p> <p>9 Jackie were basically -- had had a falling out,</p> <p>10 and that Kathryn was not going to be likely to</p> <p>11 speak with me. Neither was Alex, who had dated</p> <p>12 Kathryn.</p> <p>13 The likeliest person into the three</p> <p>14 friends was Ryan. So, the fact that Ryan had shut</p> <p>15 me down meant, to me, that this was an unlikely</p> <p>16 path for me to go down in the first place.</p> <p>17 I had already felt that I had corroborated</p> <p>18 much of this with the three friends. It -- I</p> <p>19 mean, this just -- the fact that Rachel Soltis is</p> <p>20 adding to it that the characterization is that</p> <p>21 Kathryn is, you know, as we put it, as sort of a</p> <p>22 self-described hookup queen, which was something</p> <p>23 that was already corroborated by Alex, who</p> <p>24 describes herself the same way, it just added to</p> <p>25 the idea that I was feeling comfortable that this</p> <p style="text-align: right;">[Page 193]</p>

<p>1 information was corroborated.</p> <p>2 I had already, also, corroborated that</p> <p>3 Jackie had a good recall of people's quotes. I</p> <p>4 had done so by calling Emily Renda, I remember, to</p> <p>5 run by her a conversation that they had had about</p> <p>6 the first time that they met about -- in a coffee</p> <p>7 shot, about them being the stick figures in the</p> <p>8 room, the statistics about rape. And it turns out</p> <p>9 that Jackie had recalled that accurately.</p> <p>10 There was another situation where she</p> <p>11 recalled somebody's quotes accurately. It was, it</p> <p>12 was Dean Eramo's quotes where, after a meeting</p> <p>13 that she and Alex had had with Dean Eramo in</p> <p>14 September, Alex confirmed that Jackie had</p> <p>15 accurately remembered Dean Eramo's</p> <p>16 characterization of having heard, through the</p> <p>17 grapevine, that the culprits behind her gang rape</p> <p>18 had graduated. And also saying that, between my</p> <p>19 article and the missing student, that they were</p> <p>20 flat out fucked.</p> <p>21 So, these are just two examples of Jackie</p> <p>22 accurately remembering people, people being</p> <p>23 quoted. So, I actually felt secure about the</p> <p>24 three friends. And, at this point in time, which</p> <p>25 was September 19th, I was -- this was now after I</p> <p style="text-align: right;">[Page 194]</p>	<p>1 time. I felt it was corroborated, and I felt that</p> <p>2 I had many other aspects of the story that I</p> <p>3 wanted to nail down.</p> <p>4 Q Do you agree that the way you portrayed</p> <p>5 Kathryn Hendley was in an unflattering light?</p> <p>6 A In what regard?</p> <p>7 Q The quotes that were attributed to</p> <p>8 Ms. Hendley in the article.</p> <p>9 A She did not come across as being</p> <p>10 sympathetic to a rape victim.</p> <p>11 Q Did you feel like you had a journalistic</p> <p>12 obligation to allow Ms. Hendley to comment if she</p> <p>13 was going to be portrayed in a negative light?</p> <p>14 A Well, we decided, at the magazine -- I</p> <p>15 spoke to my editor about it, and they apparently</p> <p>16 had their own discussions about it, and they came</p> <p>17 back to me and told me that they were going to</p> <p>18 change the names. And that, since they weren't</p> <p>19 identifiable, that there was no need to contact</p> <p>20 them.</p> <p>21 Q And you agreed with that approach?</p> <p>22 A I agreed, and deferred to their expertise.</p> <p>23 MS. McNAMARA: We've been going about an</p> <p>24 hour and 40 minutes. If we could take a break,</p> <p>25 that would be good.</p> <p style="text-align: right;">[Page 196]</p>
<p>1 had gone to UVa. I was -- and I was shifting</p> <p>2 gears to now cast my reporting net elsewhere.</p> <p>3 I felt that this had been corroborated,</p> <p>4 and I was shifting now to prepare for my interview</p> <p>5 with the president, try to do my best to nail down</p> <p>6 the other two rape victims, and especially, more</p> <p>7 than anything, to nail down what was the essential</p> <p>8 core of my story, which was about how UVa responds</p> <p>9 to sexual assault reports and whether they were in</p> <p>10 compliance with Title IX.</p> <p>11 Q My question was a little bit different. I</p> <p>12 appreciate all of that response. I'm not really</p> <p>13 interested in how you corroborated quotes or</p> <p>14 didn't corroborate quotes.</p> <p>15 My question was simply: What steps did</p> <p>16 you take to locate Kathryn Hendley once you had a</p> <p>17 version of her last name?</p> <p>18 MS. McNAMARA: Objection.</p> <p>19 Mischaracterizes, and she's answered that.</p> <p>20 Q You can answer the question.</p> <p>21 A I had already felt that I had taken many</p> <p>22 steps to try to get in touch with this, with this</p> <p>23 trio, and I didn't see that there was a</p> <p>24 possibility of them cooperating, and I didn't see</p> <p>25 that it was a useful use of my limited reporting</p> <p style="text-align: right;">[Page 195]</p>	<p>1 MS. LOCKE: Sure.</p> <p>2 THE VIDEOGRAPHER: Go off the record. The</p> <p>3 time is 3:17.</p> <p>4 (Recess taken.)</p> <p>5 THE VIDEOGRAPHER: Go back on the record.</p> <p>6 The time is 3:35. Beginning of DVD Number 4.</p> <p>7 Q Ms. Erdely, there came a time when you</p> <p>8 interviewed President Teresa Sullivan and a lawyer</p> <p>9 at UVa, Susan Davis; is that correct?</p> <p>10 A Yes. And there was somebody else on the</p> <p>11 line, as well, I think it was a PR person.</p> <p>12 Q I'm going to play you an audio from that</p> <p>13 interview that begins, for the record, at minute</p> <p>14 21 and 45 seconds.</p> <p>15 (Audio recording plays.)</p> <p>16 "So, another thing I'm hearing from these</p> <p>17 girls who come in and they say there's been no</p> <p>18 malice, but like I said, they love Dean Eramo.</p> <p>19 One of their biggest fears in speaking with me</p> <p>20 candidly about this is that they don't want to get</p> <p>21 her in any kind of trouble. But they've been in</p> <p>22 Dean Eramo's office with all of these options and</p> <p>23 feeling so heard -- not hurt but heard and</p> <p>24 unburdened, and finally telling their stories and</p> <p>25 so comforted, but also kind of paralyzed from the</p> <p style="text-align: right;">[Page 197]</p>

[50] (Pages 194 to 197)

<p>1 lack of guidance, you know, having all of these</p> <p>2 options before them, that they often wind up doing</p> <p>3 nothing, not filing any complaint at all. And</p> <p>4 getting a lot of assurance that that's okay</p> <p>5 because that's their choice. You know, whatever</p> <p>6 choice they make is the right choice for them.</p> <p>7 And they feel perfectly fine with that.</p> <p>8 "But I just wondered, could you comment on</p> <p>9 that for me? Because I wonder whether that is</p> <p>10 actually sort of feeding into the lack of</p> <p>11 reports."</p> <p>12 (Audio recording stops.)</p> <p>13 Q Which women at UVa had come to you and</p> <p>14 told you that they felt paralyzed after meeting</p> <p>15 with Dean Eramo?</p> <p>16 A Well, I don't know that any of them used</p> <p>17 the word "paralyzed," but there were women who</p> <p>18 described that feeling.</p> <p>19 Q Which women?</p> <p>20 A There was, let's see, Jackie. Alex</p> <p>21 certainly described how confusing the entire</p> <p>22 experience was. Although, ultimately, I think she</p> <p>23 was satisfied. She had an informal hearing, I</p> <p>24 believe. And it's hard to remember now. It's,</p> <p>25 it's been a long time.</p> <p style="text-align: right;">[Page 198]</p>	<p>1 But, ultimately, they did give me that.</p> <p>2 And then when Anthony did send me those</p> <p>3 statistics, I don't know that it was clear that</p> <p>4 that was coming from Dean Eramo, but he was</p> <p>5 following up.</p> <p>6 Q But UVa was responding to questions that</p> <p>7 President Sullivan was unable to answer on the</p> <p>8 phone, correct?</p> <p>9 A Yes.</p> <p>10 Q And did you ever try to verify the rape</p> <p>11 school quote with UVa?</p> <p>12 A No. But I understood it to be -- I mean,</p> <p>13 it was very consistent with what I now knew about</p> <p>14 the way schools tried to avoid negative publicity</p> <p>15 through avoiding publishing their rape statistics,</p> <p>16 say, on their websites, which was exactly the case</p> <p>17 that happened at UVa.</p> <p>18 And Jackie had told me, twice, about the</p> <p>19 rape school quote, and I found her to be an</p> <p>20 entirely credible source and, yeah, so --</p> <p>21 Q I'm going to hand you what's been marked</p> <p>22 as Plaintiff's Exhibit 320.</p> <p>23 (E-mail from Sabrina Rubin</p> <p>24 Erdely to Sacha Lecca dated</p> <p>25 October 1, 2014 Bates stamped</p> <p style="text-align: right;">[Page 200]</p>
<p>1 Q After your interview with President</p> <p>2 Sullivan, Anthony de Bruyn provided you with some</p> <p>3 answers, some follow-up answers, to questions you</p> <p>4 had asked during the interview that you -- that</p> <p>5 Dean Sullivan -- that President Sullivan and Susan</p> <p>6 Davis were not able to answer; is that correct?</p> <p>7 A Yes.</p> <p>8 Q So you understood that UVa was willing to</p> <p>9 provide you information, and even seek information</p> <p>10 from Dean Eramo, particularly with respect to the</p> <p>11 statistics that you had asked for, correct?</p> <p>12 A I'm not sure that I knew that they got the</p> <p>13 statistics from Dean Eramo. I mean, what I knew</p> <p>14 from -- what I knew about UVa was that they had</p> <p>15 taken -- I'd been asking them for weeks and weeks</p> <p>16 and weeks for all of these statistics. And at</p> <p>17 first, they had told me that I would find them on</p> <p>18 the website, which they were nowhere to be found</p> <p>19 on the website.</p> <p>20 And at last, they sent me some of the</p> <p>21 statistics I was looking for about an hour or two</p> <p>22 before my interview with President Sullivan, which</p> <p>23 was kind of difficult because, you know, then I</p> <p>24 had to figure out how that would square with my</p> <p>25 interview with her.</p> <p style="text-align: right;">[Page 199]</p>	<p>1 RS018873 was referenced as</p> <p>2 Plaintiff's Exhibit 320.)</p> <p>3 Q It's an e-mail that you sent to Sasha</p> <p>4 Lecca.</p> <p>5 Do you see that?</p> <p>6 A Yes.</p> <p>7 Q And you sent it on October 1, 2014,</p> <p>8 correct?</p> <p>9 A Yes.</p> <p>10 Q And you write, "Hi Sasha, yes, I'm doing a</p> <p>11 story about how rape plays out against the culture</p> <p>12 at the University of Virginia. It has turned into</p> <p>13 a story like I truly didn't expect, very dark.</p> <p>14 Surprise. Where the main narrative is about a</p> <p>15 girl who says she was gang raped at a fraternity</p> <p>16 and the school has done nothing."</p> <p>17 Did you write those words?</p> <p>18 A I did.</p> <p>19 Q And did you write the words in the</p> <p>20 following paragraph, "The theme will be about the</p> <p>21 culture of inaction and silence at UVa, both from</p> <p>22 the students who want to ignore sexual assaults</p> <p>23 because it spoils the giant party of college, and</p> <p>24 also because of out of some demented loyalty to</p> <p>25 the institution and its image of perfection. And</p> <p style="text-align: right;">[Page 201]</p>

[51] (Pages 198 to 201)

<p>1 from the administration, who will do anything to 2 avoid scandal."</p> <p>3 Did you write those words?</p> <p>4 A I did. And I was -- when I'm talking 5 about the administration there, the avoidance of 6 scandal, I'm talking about the criticism that has 7 been leveled against it. I think I quote a number 8 of people saying this in the article, people like 9 Ms. Securo and Wendy Murphy and Daniel Carter, how 10 far institutions will go out of their way to avoid 11 scandal.</p> <p>12 Q Do you agree that that is, in fact, the 13 theme of "A Rape on Campus" as you've described it 14 to Ms. Lecca -- Mr. Lecca?</p> <p>15 A The theme of the -- I mean, the article is 16 ultimately about the idea -- it is about the 17 culture on campus, but it's ultimately about what 18 is the campus' -- what is the administration's 19 responsibility to students who report their -- who 20 report their rapes, and balancing that obligation 21 against the obligation to the rest of the campus.</p> <p>22 When I wrote this e-mail, October 1st, I 23 was still drafting the article. It was still in 24 flux. And as I even mentioned to him, it's turned 25 into a story like I truly didn't expect. I mean,</p> <p style="text-align: right;">[Page 202]</p>	<p>1 because -- I mean, and I know that UVa is 2 responsive to that because I was forwarded 3 examples of those kinds of warnings that were sent 4 to the students throughout the school year when 5 there were sexual assaults reported.</p> <p>6 Q If UVa had issued a warning to students 7 that there had been three gang rapes at Phi Psi, 8 isn't it fair to say that they would have falsely 9 accused Phi Psi of three gang rapes?</p> <p>10 MR. CHEW: Objection to the form of the 11 question. It's a hypothetical to a fact 12 witness.</p> <p>13 A I think the feeling of the administration 14 was to not begin an investigation earlier, an 15 independent investigation earlier. And maybe that 16 could've, would've yielded some answers that would 17 have brought them to the point of deciding whether 18 this warning should have been issued or not.</p> <p>19 Q My question was a little bit different, 20 though.</p> <p>21 My question was whether, if UVa had issued 22 the warning that you said that they should, and 23 critics say they should, that three gang rapes 24 that had been alleged to have occurred at Phi Psi, 25 wouldn't they have falsely accused Phi Psi of</p> <p style="text-align: right;">[Page 204]</p>
<p>1 it was an article that was in flux right until the 2 very end.</p> <p>3 So, it's certainly a story about silence 4 at UVa. It is A story about inaction, in that 5 this was a story about the fact that there was 6 never a campus warning issued when I believe that, 7 and the critics agree, it should have been issued. 8 And about the culture of the -- and it involved 9 the culture of the students who often dismissed 10 sexual assault.</p> <p>11 Q What was the warning that UVa should have 12 issued?</p> <p>13 A Well, it was the opinion of the experts 14 that I consulted, Laura Dunn, Daniel Carter, and 15 Johns Hopkins University was under Title IX 16 investigation for precisely this; that if the 17 university believed that there were allegations of 18 gang rape that took place at a fraternity, which 19 they did, that there should have been some kind of 20 warning issued to the rest of the campus in order 21 to protect people who might visit that location.</p> <p>22 And we know that -- I mean, it's part of 23 Title IX, it's part of the administration's 24 responsibility, to warn the campus if there is 25 some kind of safety event. And I know that</p> <p style="text-align: right;">[Page 203]</p>	<p>1 three gang rapes?</p> <p>2 MS. McNAMARA: And same objection. It's 3 asking for a hypothetical to a fact witness.</p> <p>4 A Yeah, I really, really don't know the 5 answer to that. What I do know is that, this is 6 what Title IX seems to demand, and this is one of 7 the things that colleges are really wrestling 8 with.</p> <p>9 Q Isn't that what Rolling Stone, and you 10 did, accuse Phi Psi of three gang rapes that 11 didn't happen?</p> <p>12 MS. McNAMARA: Objection. 13 Mischaracterization.</p> <p>14 A I was relating Jackie's version of events. 15 I believed them when we wrote it, and when it went 16 to press. But I characterized her experience from 17 her point of view. And, and, and, that was my and 18 Rolling Stone's take on it, that it was her 19 perspective.</p> <p>20 Q I'm going to hand you what's been marked 21 as Plaintiff's Exhibit 306.</p> <p>22 (E-mail from Sean Woods to Jodi 23 Peckman, Joe Hutchinson and 24 Sacha Lecca dated October 15, 25 2014 Bates stamped RS002256</p> <p style="text-align: right;">[Page 205]</p>

<p>1 through 2302 was referenced as</p> <p>2 Plaintiff's Exhibit 306.)</p> <p>3 Q Plaintiff's Exhibit 306 is your first</p> <p>4 draft of "A Rape on Campus" that you forwarded to</p> <p>5 Mr. Woods on October the 11th. If you could just</p> <p>6 flip through it and confirm that this is, in fact,</p> <p>7 your first draft.</p> <p>8 A Yes.</p> <p>9 Q I'm going to direct your attention to</p> <p>10 Bates 2278. In particular, the middle of the</p> <p>11 page, it says, "FOUR: Jackie reports, gets the</p> <p>12 Eramo/UVa treatment."</p> <p>13 What was the "Eramo treatment" that you</p> <p>14 were referring to in your first draft of the</p> <p>15 article that Jackie received?</p> <p>16 A Well, this was just my shorthand. You</p> <p>17 know, I've got a slug at the beginning of every</p> <p>18 single one of these sections just to kind of</p> <p>19 summarize what happens.</p> <p>20 So, when she reported to Eramo, the</p> <p>21 treatment that she received was that she was</p> <p>22 received in a warm, but professional manner.</p> <p>23 Eramo didn't seem shocked. She was neutral, which</p> <p>24 is what I would expect of somebody in that</p> <p>25 position. And then she presented Jackie with all</p> <p style="text-align: right;">[Page 206]</p>	<p>1 Is it fair to say that by including</p> <p>2 Ms. Dunn's quote in "A Rape on Campus," that you</p> <p>3 were accusing Dean Eramo of pretending that she</p> <p>4 was on Jackie's side when, in actuality, she was</p> <p>5 discouraging and silencing Jackie from reporting?</p> <p>6 MS. McNAMARA: Objection.</p> <p>7 Mischaracterization.</p> <p>8 A I have no idea what Dean Eramo's</p> <p>9 motivations are. I can't read her mind.</p> <p>10 I would like to think -- and especially</p> <p>11 from the characterizations that the students have</p> <p>12 given me -- that she authentically cares about</p> <p>13 them and wants what's best for them. I mean, and</p> <p>14 you're sort of picking and choosing the things</p> <p>15 that you're taking out of Laura Dunn's quote.</p> <p>16 She's saying, schools are assigning people to</p> <p>17 victims who are, you say, pretending, but she</p> <p>18 says, or even thinking they're on the victim's</p> <p>19 side.</p> <p>20 I mean, I think that -- I think that</p> <p>21 having somebody who authentically cares about the</p> <p>22 students is not necessarily some nefarious thing</p> <p>23 that is meant to discourage the students, even if</p> <p>24 it has the net effect of the students deciding</p> <p>25 that they're not going to do anything.</p> <p style="text-align: right;">[Page 208]</p>
<p>1 of the various options; she could report to</p> <p>2 police, she could have a formal hearing internally</p> <p>3 at the university, she could have an informal</p> <p>4 hearing at the university, or she could do</p> <p>5 nothing. And that's, that's exactly what she --</p> <p>6 that was the reception that she got.</p> <p>7 I think, also, there was -- if you could</p> <p>8 just give me a moment. And, in addition, there</p> <p>9 was a follow-up note from Eramo warmly thanking</p> <p>10 her for sharing, and telling her that, if she</p> <p>11 wanted to file a report, she would be there for</p> <p>12 her.</p> <p>13 Q I want to direct your attention to Bates</p> <p>14 2281 in Plaintiff's Exhibit 306. In particular,</p> <p>15 the bottom of the page, the quote from Laura Dunn</p> <p>16 which says, "This is a trend I'm seeing on many</p> <p>17 campuses. It's very alarming," says Laura Dunn of</p> <p>18 the advocacy group, Serve Justice. Quote, Schools</p> <p>19 are assigning people to victims who are</p> <p>20 pretending, or even thinking, they're on the</p> <p>21 victim's side when they're actually discouraging</p> <p>22 and silencing them. It's a harsh critique, but</p> <p>23 it's true. Advocates, who survivors love, are</p> <p>24 part of the system that is hiding and failing to</p> <p>25 address sexual violence.</p> <p style="text-align: right;">[Page 207]</p>	<p>1 So, having the -- I'm not sure that the</p> <p>2 motivation is necessarily to discourage it, but</p> <p>3 the end effect could certainly be. And that was</p> <p>4 the conclusion that I ultimately came to, was</p> <p>5 that, was that these students who were given so</p> <p>6 much love and victim choice, often chose to do</p> <p>7 nothing as a result.</p> <p>8 I'll often -- I'll also mention that this</p> <p>9 was -- this was a concept that was reinforced to</p> <p>10 me when I interviewed Liz Securo who talked about</p> <p>11 how, when she was a student, there was a dean</p> <p>12 there, Dean Todd I think was her name, who</p> <p>13 actually reminded her very much of Dean Eramo, who</p> <p>14 was -- Dean Todd was Liz Securo's favorite person</p> <p>15 on campus and she made her feel so much better and</p> <p>16 she was so warm and wonderful and caring. And,</p> <p>17 and it was -- and it was Liz's perspective that,</p> <p>18 that the existence of people like this on campus</p> <p>19 was actually, on purpose or not, I can't remember,</p> <p>20 but inhibiting sexual assault reports.</p> <p>21 Q And that's a view that you share?</p> <p>22 A I don't -- I mean, I, I share the view</p> <p>23 that, that these victims feeling so comfortable</p> <p>24 and not being encouraged to make any particular</p> <p>25 choice has the effect of them not doing anything.</p> <p style="text-align: right;">[Page 209]</p>

<p>1 Not that they are -- not that that is --</p> <p>2 not that that is necessarily the intention of the</p> <p>3 way that it's set up, but that is the effect.</p> <p>4 Q I'm going to hand you what's been marked</p> <p>5 as Plaintiff's Exhibit 423.</p> <p>6 (E-mail from Sabrina Rubin</p> <p>7 Erdely to Sean Woods dated</p> <p>8 October 26, 2014 Bates stamped</p> <p>9 RS018980 was referenced as</p> <p>10 Plaintiff's Exhibit 423.)</p> <p>11 Q Plaintiff's Exhibit 423 is an e-mail that</p> <p>12 Mr. Woods has already testified was. At the</p> <p>13 bottom, you see on October 25th at 1:07, he</p> <p>14 testifies, is his response to reading your first</p> <p>15 draft of the article when he writes a few notes,</p> <p>16 word choices, made some cuts, et cetera. Piece is</p> <p>17 great.</p> <p>18 Do you have any reason to dispute that</p> <p>19 this is what Mr. Woods communicated to you after</p> <p>20 he reviewed your first draft?</p> <p>21 A Do I have any reason to dispute it, did</p> <p>22 you say?</p> <p>23 Q Yes.</p> <p>24 A No.</p> <p>25 Q Mr. Woods communicates to you, "I worry we</p> <p style="text-align: right;">[Page 210]</p>	<p>1 it and he passes it up the chain to Will, and Will</p> <p>2 makes his comments and he passes it back down the</p> <p>3 chain. So, usually before I go ahead and make</p> <p>4 more changes or more reporting, I make sure to</p> <p>5 find out what it is that Will wants so I don't</p> <p>6 have to make another round of calls, you know, to</p> <p>7 accommodate his requests.</p> <p>8 Q I'm going to hand you what's been marked</p> <p>9 as Plaintiff's Exhibit 66. These are text</p> <p>10 messages between you and Alex Pinkleton.</p> <p>11 (Text messages between Sabrina</p> <p>12 Rubin Erdely and Alex Pinkleton</p> <p>13 Bates stamped RS014307 through</p> <p>14 14333 was referenced as</p> <p>15 Plaintiff's Exhibit 66.)</p> <p>16 Q Do you recognize them as such?</p> <p>17 A Yes.</p> <p>18 Q On the very first page of Plaintiff's</p> <p>19 Exhibit 66, Alex texts you, "I'm talking to Jackie</p> <p>20 right now and she's telling me she 100 percent</p> <p>21 doesn't want her name in the article."</p> <p>22 Do you see that?</p> <p>23 A Yes.</p> <p>24 Q On the following page --</p> <p>25 A And I see, by the way, that, immediately</p> <p style="text-align: right;">[Page 212]</p>
<p>1 can't confirm the two girls coming to Jackie and</p> <p>2 alleging gang rape at the same frat. Let's</p> <p>3 discuss on Monday a.m."</p> <p>4 Do you see that?</p> <p>5 A Yes.</p> <p>6 Q And then you respond, "I have the same</p> <p>7 worry. I wish I had better sourcing for a lot of</p> <p>8 the Jackie stuff. A lot right now is resting in</p> <p>9 Jackie's say-so, including the entire lead."</p> <p>10 Did you say those words -- did you write</p> <p>11 those words to Mr. Woods?</p> <p>12 A I wrote those words, but that is shorthand</p> <p>13 for -- I mean, Sean had knew how much I had done</p> <p>14 to substantiate the Jackie stuff, quote-unquote.</p> <p>15 So, he knows that not everything was resting on</p> <p>16 Jackie's say-so.</p> <p>17 Q My question was just a simple one.</p> <p>18 Did you write those words to Mr. Woods?</p> <p>19 A Oh, I did.</p> <p>20 Q At the end of that e-mail, you say, "Let's</p> <p>21 talk tomorrow. I want to double check what Will</p> <p>22 wants before I make those other calls."</p> <p>23 What are you referring to there, what Will</p> <p>24 wants?</p> <p>25 A Whenever I hand in an article, Sean reads</p> <p style="text-align: right;">[Page 211]</p>	<p>1 underneath, I say, "I don't know why she changed</p> <p>2 her mind, but whatever she decides is fine."</p> <p>3 Q On the following page, ending in Bates</p> <p>4 308, Ms. Pinkleton tells you, "I don't think</p> <p>5 calling Jackie is a good idea because she is</p> <p>6 thinking about pulling out entirely."</p> <p>7 Do you see that?</p> <p>8 A Yes. I was very surprised by that because</p> <p>9 I had just talked to Jackie and she was very</p> <p>10 enthusiastic about being in the article.</p> <p>11 Q Ms. Pinkleton communicates, "She's pretty</p> <p>12 overwhelmed with the idea of [REDACTED]"</p> <p>13 Do you see that?</p> <p>14 A Yes.</p> <p>15 Q And this comes after the time in which you</p> <p>16 had asked Jackie to identify [REDACTED] last name; is</p> <p>17 that correct?</p> <p>18 A Yes.</p> <p>19 Q You respond, if you turn to the next page,</p> <p>20 309, "But Jackie needs to know she's an essential</p> <p>21 part of this article. We'll figure out a way for</p> <p>22 her that's comfortable for her. I'll need to talk</p> <p>23 to her by phone tomorrow. If need be, I can come</p> <p>24 down so we can talk it over in person."</p> <p>25 Did you write those words?</p> <p style="text-align: right;">[Page 213]</p>

<p>1 A Yes.</p> <p>2 Q If you see, at the very bottom of that</p> <p>3 page, it goes on to the next day, Friday,</p> <p>4 October 24th.</p> <p>5 Do you see that?</p> <p>6 A Yes.</p> <p>7 Q And then on the following page, on Bates</p> <p>8 310, Alex texts you that she's baking with Jackie</p> <p>9 and that Ms. Pinkleton's agenda is to make sure</p> <p>10 that Jackie is okay.</p> <p>11 Is that right?</p> <p>12 A Her agenda is to make sure she's okay, but</p> <p>13 that she is unbiased towards wanting the article,</p> <p>14 yes.</p> <p>15 Q And then you respond, on Bates 311, "Okay,</p> <p>16 great. Thank you, Alex. For what its worth, I</p> <p>17 think Jackie is a strong person. The fact that</p> <p>18 we've come this far is a testament to her power.</p> <p>19 I e-mailed her something to this effect this</p> <p>20 morning."</p> <p>21 And then it goes on to the next page. "I</p> <p>22 think Jackie is readier to tell her story than she</p> <p>23 realizes, but she's being thrown off by the</p> <p>24 naysayers around her, which is part of the</p> <p>25 problematic culture that needs to be brought to</p> <p style="text-align: right;">[Page 214]</p>	<p>1 wrote those words?</p> <p>2 A Well, I knew that she was feeling -- I</p> <p>3 knew she was in hiding from me and she was</p> <p>4 feeling -- I think it was Alex's characterization,</p> <p>5 that she was feeling depressed.</p> <p>6 I don't see it in here, actually. I was</p> <p>7 concerned -- in the absence of Jackie talking to</p> <p>8 me, I didn't know what to think.</p> <p>9 Q You also write to Mr. Lecca, "She went</p> <p>10 through a phase recently where she wasn't</p> <p>11 returning my calls and I had to go to Virginia to</p> <p>12 make sure she was still on board."</p> <p>13 Is it true that you went to</p> <p>14 Charlottesville to sure-up Jackie's involvement in</p> <p>15 the article?</p> <p>16 A No. This is just -- this is me just</p> <p>17 summarizing the, you know, Jackie, through the</p> <p>18 prism of where I was standing right then.</p> <p>19 I went to Virginia with no idea whether</p> <p>20 she was going to be in the article or not. I went</p> <p>21 to Virginia with plans to meet with Emily, with</p> <p>22 Alex, and with Nicole Eramo.</p> <p>23 Q Then why did you communicate with</p> <p>24 Mr. Lecca that you had to go to Virginia to make</p> <p>25 sure she was still on board?</p> <p style="text-align: right;">[Page 216]</p>
<p>1 light. As for agendas, mine has only ever been to</p> <p>2 get to the whole truth out there, but you know</p> <p>3 that."</p> <p>4 At this point, we already established that</p> <p>5 you believed that Ms. [REDACTED] had PTSD, correct?</p> <p>6 A I believe that she had symptoms of PTSD,</p> <p>7 yes.</p> <p>8 Q I'm going to hand you what's been marked</p> <p>9 as Plaintiff's Exhibit 505.</p> <p>10 (E-mail from Sabrina Rubin</p> <p>11 Erdely to Sacha Lecca dated</p> <p>12 October 24, 2014 Bates stamped</p> <p>13 RS018959 through 18960 was</p> <p>14 referenced as Plaintiff's</p> <p>15 Exhibit 505.)</p> <p>16 Q We'll come back to this in a couple of</p> <p>17 minutes. Plaintiff's Exhibit 505 is another</p> <p>18 e-mail chain between you and Mr. Lecca. And if</p> <p>19 you direct your attention to the second page,</p> <p>20 Bates 960, you write to Mr. Lecca, "Yeah,</p> <p>21 unfortunately, I would say Jackie is not in great</p> <p>22 mental shape right now and won't be for a long</p> <p>23 while."</p> <p>24 Did you believe that Jackie was not in</p> <p>25 great mental shape right now, at the time you</p> <p style="text-align: right;">[Page 215]</p>	<p>1 A I think maybe it was just a poor choice of</p> <p>2 words. What I meant to say was that, it wasn't</p> <p>3 until I went to Virginia did I know that she was</p> <p>4 on board.</p> <p>5 Q You continue, "So, I'm trying to be as</p> <p>6 accommodating as possible. Which means that when</p> <p>7 she insisted on no photos, I didn't put up much of</p> <p>8 a fight. Sorry."</p> <p>9 Is it true that you were trying to be as</p> <p>10 accommodating as possible of Ms. [REDACTED]</p> <p>11 A I wouldn't say -- accommodating is -- I</p> <p>12 was trying to apologize to Sasha for not</p> <p>13 putting -- I always try my best to help Sasha come</p> <p>14 up with photos, and I felt badly that I wasn't</p> <p>15 going to be more helpful. So, I was just trying</p> <p>16 to explain why I hadn't put any pressure on her to</p> <p>17 pose for photos. It wasn't a matter of being</p> <p>18 accommodating, it was just a matter of trying to</p> <p>19 put as little pressure on her about things that</p> <p>20 didn't matter as much because I wanted to focus on</p> <p>21 the things that were most important.</p> <p>22 Q Back on Plaintiff's Exhibit 66, on Bates</p> <p>23 312, the text message we just read where you say,</p> <p>24 "I think Jackie is readier to tell her story than</p> <p>25 she realizes."</p> <p style="text-align: right;">[Page 217]</p>

[55] (Pages 214 to 217)

<p>1 How did you know Jackie was readier to 2 tell her story than Jackie realized? 3 A I was maybe being a little poetic-sounding 4 there. But I think that she was actually quite 5 ready -- I felt that she was quite ready to tell 6 her story. She was -- from the moment that I 7 reached out to her, she was, she was ready to tell 8 her story, and she shared it in so much generous 9 detail. We spent hours and hours together on the 10 phone and e-mailing and texting and in person. 11 And she was also telling it despite the fact that 12 the culture around her was discouraging her from 13 coming forward. 14 So, that told me -- including, she told 15 me, her family was discouraging her from coming 16 forward. So, that told me that she really -- and 17 she actually told me that she felt that it was 18 very important for this to come out. 19 To me, it seemed like she had no agenda, 20 no motivation, there was no personal gain for her. 21 Only that she wanted to -- it was important for 22 her to tell the truth and make some change. 23 The fact that she was actually so 24 persistent was what told me that she seemed really 25 ready to tell this story.</p> <p style="text-align: right;">[Page 218]</p>	<p>1 October 28th with Alex that begins on 316. But I 2 want to -- that's where the date is, but I just 3 want to direct your attention to a few pages later 4 to 319. 5 And Alex asks you, "Have you found out 6 what has to be said if [REDACTED] last name isn't 7 used?" 8 Do you see where I am? 9 A Yes. 10 Q And you respond, "Yes. We'd have to say 11 she refused to disclose his name, and so we 12 couldn't follow up. Not in those words, but 13 that's the sentiment. Unfortunately, it would 14 diminish her credibility, so I really want to 15 avoid that." 16 Did you text that to Ms. Pinkleton? 17 A I did. But that last sentence was just me 18 trying to push her to try to push Jackie further. 19 I was hoping to get [REDACTED] name. 20 Q Fair to say that, in "A Rape on Campus," 21 you didn't ultimately disclose that Jackie had 22 refused to provide [REDACTED] last name, did you? 23 A Well, I did actually write a paragraph 24 that -- to appear in the article, but it never 25 made it into the final article.</p> <p style="text-align: right;">[Page 220]</p>
<p>1 Q You're not a counselor, are you, 2 Ms. Erdely? 3 A No. 4 Q Do you have any medical training? 5 A No. 6 Q You go on to say, "Also, I'm up for 7 discussing whether she wants to discuss changing 8 her name, et cetera, but I need to be clear about 9 this. There's no pulling the plug at this point. 10 The article is moving forward, and I think it's 11 important that Jackie stay involved." 12 Did you type those words? 13 A I did. 14 Q And then -- 15 A Unfortunately, I think that my words 16 here -- even though I said "I need to be clear 17 here," I think I was the opposite of clear. 18 What I was trying to say was that this 19 article about the University of Virginia was 20 moving forward, and I wanted Jackie to be -- 21 especially because I knew that this seemed 22 important to Jackie, I wanted Jackie to be in the 23 article. 24 Q If you can flip forward, you'll see that 25 you have an additional text exchange on</p> <p style="text-align: right;">[Page 219]</p>	<p>1 Q You wanted to avoid the possibility of 2 diminishing Jackie's credibility by publishing in 3 an article that Jackie had refused to disclose her 4 attacker's last name, correct? 5 MR. CHEW: Objection. Lack of foundation. 6 She said the opposite. 7 A As I said, I actually wrote a paragraph 8 saying exactly that, that she was so traumatized 9 that she didn't want to share her attacker's name. 10 That paragraph was intended to be in the article. 11 Q Who cut it? 12 A I have no knowledge of that. 13 Q And Ms. [REDACTED] never actually gave you 14 [REDACTED] last name before the publication of the 15 article; isn't that correct? 16 A That's correct. 17 Q When did you discover that the paragraph 18 that -- did you discover it before publication of 19 the article, that that paragraph that you were 20 describing that described the way Jackie didn't 21 want to disclose her [sic] name, did you discover 22 that that had been cut from the article before 23 publication? 24 A I'm having trouble remembering. You know, 25 during that week of production, there were so many</p> <p style="text-align: right;">[Page 221]</p>

[56] (Pages 218 to 221)

<p>1 things that were being changed, were coming out, 2 were going in, I don't remember, I'm sorry. 3 Q Did you ever ask to have that paragraph 4 reinserted into the article? 5 MS. McNAMARA: Objection. Lack of 6 foundation. 7 A Yeah, I don't -- as I said, I don't even 8 remember whether I noticed that the paragraph was 9 gone that week before it went to publication. 10 Q But, in one of the drafts, you included 11 this paragraph because you thought it was 12 important to tell readers that Jackie had not 13 identified [REDACTED] last name? 14 A Yeah. I thought it was -- I thought it 15 was sort of standard. And I also thought that it 16 helped to shed light on her level of trauma that 17 she -- that she couldn't even bring herself to 18 give me his name. 19 Q I want to direct your attention to the 20 same, the same exhibit we've been looking at, 21 Plaintiff's Exhibit 66, but Bates 321. 22 Ms. Pinkleton texts you, "Oh, yeah, I 23 worded it wrong. Yeah, I don't know --" 24 (Cell phone disturbance.) 25 MR. CHEW: Reason 400 to never go to a</p> <p style="text-align: right;">[Page 222]</p>	<p>1 readers over." 2 Did you text that to Ms. Pinkleton? 3 A I did. I was trying to be reassuring and, 4 you know, sort of smooth everything over. Things 5 had been very difficult between me, Alex, Jackie, 6 and Sara. So, I was -- I was just being very 7 conciliatory. 8 Q I'm going to hand you what's been mark z 9 as Plaintiff's Exhibit 415. 10 (E-mail from Sean Woods to 11 Sabrina Rubin Erdely dated 12 October 24, 2014 Bates stamped 13 RS003259 was referenced as 14 Plaintiff's Exhibit 415.) 15 Q Plaintiff's Exhibit 415 is an e-mail 16 between you and Mr. Woods. You e-mail Mr. Woods 17 on October 23rd at 11:06 p.m. 18 Do you see where I am? 19 A Yes. 20 Q And you write, "Fuck. Jackie is 21 apparently in full freak out mode right now. Her 22 friend Alex texted to say that Jackie is right now 23 saying she wants her name out of the piece and is 24 thinking of pulling out entirely. Neither girl 25 will answer my call."</p> <p style="text-align: right;">[Page 224]</p>
<p>1 Blackberry. Sorry about that. 2 MS. LOCKE: Could we go off the record? 3 THE VIDEOGRAPHER: Go off the record. The 4 time is 4:09. 5 (Recess taken.) 6 THE VIDEOGRAPHER: Back on the record. 7 The time is 4:09. 8 Q Ms. Pinkleton texted you, "Yeah, I don't 9 know of -- if there's another way to get it, but 10 Jackie isn't going to give it up. She's okay with 11 you finding it out, not from her, though. The 12 problem is trying to figure that out." 13 And you respond, "Argh, this is killing 14 me," correct? 15 A Yes. 16 Q Then, later, if you turn to Bates 329 in 17 Plaintiff's Exhibit 66, Ms. Pinkleton asks you, 18 "Did you and Jackie discuss [REDACTED] 19 Do you see that? 20 A Yes. 21 Q And you responded, "Yes. Since it's 22 causing her so much distress, I'm just letting 23 that go. But we'll have to mention it in the 24 article. But I'm presenting it as insight into 25 how traumatized she is, so hopefully that will win</p> <p style="text-align: right;">[Page 223]</p>	<p>1 Did you write those words to Mr. Woods? 2 A Yes. 3 Q And you communicate to Mr. Woods, "But you 4 brought up contacting that guy and she fell 5 apart," correct? 6 A Yes. 7 Q And you communicate to Mr. Woods, "In 8 fact, Sara called me this afternoon having found 9 out about some of the newer material I discovered 10 and seemed furious with me about it. She wanted 11 to give me the dean's point of view." 12 Did you communicate this to Mr. Woods? 13 A Yes. 14 Q And you write to Mr. Woods, "I guess I'll 15 wait and see how things shake out in the morning, 16 but I suspect I may need to go back to 17 Charlottesville to hash things out with Jackie 18 face-to-face. Fuck." 19 Did you write those words? 20 A Yes. 21 Q Mr. Woods responds, "Oy"; is that correct? 22 A Yes. 23 Q What was the dean's point of view that 24 Sara -- I take that to be Sara Surface; is that 25 correct?</p> <p style="text-align: right;">[Page 225]</p>

<p>1 A Yes.</p> <p>2 Q What was the dean's point of view that</p> <p>3 Sara Surface was trying to communicate to you?</p> <p>4 A I am almost positive that I remember, but</p> <p>5 I'd like to look at my notes.</p> <p>6 Q They're at Bates 4491.</p> <p>7 MS. McNAMARA: 4491.</p> <p>8 A Okay, yes, I thought so.</p> <p>9 So, Sara was upset because I, I was</p> <p>10 writing about -- I found out more information</p> <p>11 about the sexual misconduct hearing that had been</p> <p>12 had on behalf of a student that we call Stacy.</p> <p>13 And Stacy was very unhappy with her proceedings.</p> <p>14 And so, Sara wanted to call to tell me why -- what</p> <p>15 had happened to Stacy was right and just, and why</p> <p>16 Stacy was wrong.</p> <p>17 Q And during your conversation with</p> <p>18 Ms. Surface, you tell Ms. Surface that the UVa</p> <p>19 administration is being disingenuous because Dean</p> <p>20 Eramo said, in a student media interview, that</p> <p>21 they never had a case of a repeat offender,</p> <p>22 correct?</p> <p>23 A That's correct.</p> <p>24 Q And Ms. Surface explains that that's not</p> <p>25 what Dean Eramo meant -- explains that what Dean</p> <p style="text-align: right;">[Page 226]</p>	<p>1 She enlisted -- because she had been</p> <p>2 assured by the administration that a repeat</p> <p>3 offender would be expelled, she took great pains</p> <p>4 to enlist these other people to testify at her</p> <p>5 trial, or to submit written affidavits about their</p> <p>6 experiences with him, under the impression that,</p> <p>7 if he was found guilty, he would be expelled as a</p> <p>8 repeat offender.</p> <p>9 So, she was actually -- so, while Stacy's</p> <p>10 appeal was pending talking about exactly this</p> <p>11 issue where Stacy was saying that this was a</p> <p>12 semantic game that had been played with her, then</p> <p>13 Dean Eramo appeared on W-UVa saying that they had</p> <p>14 never had a case of a repeat offender.</p> <p>15 Q Why not believe Ms. Surface's explanation?</p> <p>16 Why would you assume that it was an attempt by</p> <p>17 Dean Eramo to play semantic games?</p> <p>18 A Because I think that people -- people</p> <p>19 should say what they mean to say. And if what she</p> <p>20 meant to say was that if somebody is convicted of</p> <p>21 individual multiple rapes, then they would be</p> <p>22 expelled, then they should -- then they should say</p> <p>23 that.</p> <p>24 Instead, people were led to believe, on</p> <p>25 the campus -- it was the widely held belief that</p> <p style="text-align: right;">[Page 228]</p>
<p>1 Eramo meant was that they've never had reports by</p> <p>2 multiple victims.</p> <p>3 Do you see that?</p> <p>4 A Yes.</p> <p>5 Q And you tell Ms. Surface, "If she meant to</p> <p>6 say that," meaning Dean Eramo, "than she should</p> <p>7 have said that. Believe me, she knew what she was</p> <p>8 saying. That's something university has been</p> <p>9 doing quite a bit of, hiding behind semantic</p> <p>10 games, and then pretending the whole thing was a</p> <p>11 misunderstanding. I know this is a hard for you</p> <p>12 to hear because you feel loyalty."</p> <p>13 Did you say that to Ms. Surface?</p> <p>14 A Yes. I was trying to explain to her -- I</p> <p>15 mean, if you've seen the deleted UVa video, at the</p> <p>16 time, there was only a snippet that was available,</p> <p>17 but it showed Dean Eramo explaining to a reporter</p> <p>18 that, that they had never had a case of a repeat</p> <p>19 offender and I believe she also said that, if</p> <p>20 there was, he would be expelled.</p> <p>21 And, in fact, at that exact same time,</p> <p>22 Stacy's case was under appeal. Stacy, of course,</p> <p>23 being a person felt that her attacker had -- there</p> <p>24 were two other allegations against him, which</p> <p>25 would qualify him as a repeat offender.</p> <p style="text-align: right;">[Page 227]</p>	<p>1 if somebody had -- like in Stacy's case, if you</p> <p>2 had multiple allegations against you, you didn't</p> <p>3 have to be individually prosecuted for each one of</p> <p>4 them before you were expelled.</p> <p>5 This was actually Dean Eramo's chance to</p> <p>6 clear the record and, instead, she decided to</p> <p>7 muddy the record. What her motivation was -- I</p> <p>8 mean, maybe it was wrong of me to guess what her</p> <p>9 motivation was here. But it was certainly some</p> <p>10 kind of semantic game, or at least compressing it</p> <p>11 in such a way that it was actually very</p> <p>12 misleading.</p> <p>13 Q I'm going to hand you what's been marked</p> <p>14 as Plaintiff's Exhibit 184.</p> <p>15 (E-mail from Sabrina Rubin</p> <p>16 Erdely to Jacqueline dated</p> <p>17 October 24, 2014 Bates stamped</p> <p>18 RESPJ00000232 was referenced as</p> <p>19 Plaintiff's Exhibit 184.)</p> <p>20 Q Is this is an e-mail that you sent Jackie</p> <p>21 [REDACTED] on October 24th at 10:16 a.m.?</p> <p>22 A Okay.</p> <p>23 Q Was that an e-mail that you sent to</p> <p>24 Ms. [REDACTED]</p> <p>25 A Yes.</p> <p style="text-align: right;">[Page 229]</p>

<p>1 Q I'm going to play you an audio, it's 2 Plaintiff's Exhibit 188. 3 (Audio recording plays.) 4 "Jackie, it's Sabrina. What's going on? 5 I just got some alarming e-mails from -- I mean, 6 texts from Alex. We need to talk, so call me. 7 [REDACTED] Okay." 8 (Audio recording stops.) 9 Q Is that a voicemail you left for 10 Ms. [REDACTED] 11 A Yes. 12 Q Ms. [REDACTED] lawyers say that that 13 voicemail was left on her phone on October 23rd. 14 Do you have any reason to dispute that you 15 left that voicemail on October 23rd? 16 A No, no reason. 17 Q I'm going to play you another voicemail, 18 Plaintiff's Exhibit 189. 19 (Audio recording plays.) 20 "Hi, Jackie, it's Sabrina from Rolling 21 Stone. It's Monday. And I know you haven't been 22 returning my calls or my texts, but we really need 23 to talk. Please, please, call me. I understand 24 you're scared, but we are in the home stretch with 25 this article and I need to talk to you. I handed</p> <p style="text-align: right;">[Page 230]</p>	<p>1 could direct your attention back to Plaintiff's 2 Exhibit 505, it's the e-mail between you and 3 Mr. Lecca. 4 I want to direct your attention to the 5 very top of the first page of Exhibit 505, you 6 write to Mr. Lecca, "Jackie is right now not 7 communicating with me. In part, because some One 8 Less members, who work closely with the 9 administration, have been critical of her 10 cooperation with the story. So I'm thinking, at 11 this point, we should work under the assumption 12 that neither Jackie, nor One Less, will be 13 available for photographing." 14 Did you write those words to Mr. Lecca? 15 A Yes. 16 Q Is it fair to say that, as of October 24th 17 and your voicemail on November the 3rd, that you 18 had not removed Jackie's gang rape as the lead of 19 your story? 20 A I was still optimistic that Jackie was 21 going to participate. 22 Q And that you were going to move forward 23 with the story regardless of whether Jackie was 24 going to call you back; is that fair? 25 A No, no. Well, I was going -- we were</p> <p style="text-align: right;">[Page 232]</p>
<p>1 in my final draft on Friday and we're moving into 2 the production process now. And if all goes 3 according to plan, this article is going to be 4 shipping to the printer in less than two weeks and 5 I really, really would like for you to be included 6 in this process. So, we need to talk about that. 7 We need to talk about what the process looks like 8 in the next couple of weeks, and how I'd like for 9 you to be involved. So please, please call me 10 back. [REDACTED]. Thank you, Jackie. I hope 11 to speak to you soon. Buh-bye." 12 (Audio recording stops.) 13 Q Is that a voicemail you left for 14 Ms. [REDACTED] 15 A Yes. 16 Q Ms. [REDACTED] lawyers say that voicemail 17 was left on November the 3rd, 2014. 18 Do you have any reason to dispute that 19 that was the date that you left that voicemail? 20 A No reason. 21 Q In the final draft of the article that you 22 submitted, it included Jackie's gang rape as the 23 lead, correct? 24 A Yes. 25 Q I'm going to hand you -- actually, if you</p> <p style="text-align: right;">[Page 231]</p>	<p>1 going to move forward with the story about UVa 2 whether Jackie was going to participate or not. 3 If Jackie was not going to participate, 4 then we would -- we would do something else with 5 her story. I mean -- and that would depend on -- 6 I would need to have a conversation with her to 7 figure out what her role would be, if she wanted 8 to be removed entirely, if she wanted to be 9 relegated to a smaller role. That's happened with 10 other stories in the past. 11 Q Did you ever communicate to Ms. [REDACTED] 12 that it was okay for her to pull out of the story 13 entirely, around this time when she was in this 14 full freak out mode and threatening to pull out of 15 the story? 16 A Not during that time. I mean, we 17 discussed it when I first -- when I came to the 18 UVa campus to discuss whether she was going to 19 participate at all. I mean, she was aware it was 20 entirely up to her whether she was going to 21 participate. 22 Q In your e-mail to Mr. Lecca, you don't say 23 that you should hold off on finding photographs 24 because you may remove Ms. [REDACTED] entirely from 25 the article, correct?</p> <p style="text-align: right;">[Page 233]</p>

<p>1 A Well, we're just talking about the artwork 2 for the -- we're just talking about photographs. 3 So, I'm telling him that the article that I'm 4 writing about UVa -- for this article we're 5 writing about UVa -- we might want to work under 6 the assumption that Jackie and One Less may not be 7 participating. 8 Q I'm going to hand you what's been marked 9 as Plaintiff's Exhibit 67. 10 (Calls List Bates stamped 11 RS014335 through 14358 was 12 referenced as Plaintiff's 13 Exhibit 67.) 14 Q This is what I was referring to earlier in 15 the day that appears to be a smaller reporting 16 file, but why don't I ask you. If you could flip 17 through and tell me what Plaintiff's Exhibit 67 18 is. 19 A So, this is a file that I typically call 20 my Calls List. And it becomes -- it's a working 21 document while I'm working on an article where I 22 compile lists of people that I've talked to, 23 reached out to, want to reach out to, random 24 notes. It kind of becomes a little bit of a 25 dumping ground for a lot -- some thoughts that I</p> <p style="text-align: right;">[Page 234]</p>	<p>1 for messages from [REDACTED] messages from [REDACTED] 2 e-mails, or paystubs, correct? 3 A Yes. 4 Q And you also ask to speak with [REDACTED] 5 and Jackie's mom, correct? 6 A Yes. 7 Q Fair to say that you never spoke with 8 [REDACTED] or Jackie's mom? 9 A She sent me a text from [REDACTED] but I 10 never spoke with her. Or, despite all of my many, 11 many, many efforts, and many messages, I never 12 spoke with her mother. 13 Q Below -- below, sort of the bottom of the 14 page, you have a bolded text that says, "Jackie's 15 mom." 16 Are these voicemail notes -- notes from 17 voicemails that you left for Jackie's mother? 18 A This, this one -- well, let's see. This 19 first one is, "I'm looking forward to speaking to 20 you, please give me a call." I must have said 21 something to that effect, and I was, I guess, 22 typing along while I said it. 23 This one I most certainly said. This is 24 when Jackie, out of desperation, I told Jackie 25 that I was -- I wanted to speak with her mother,</p> <p style="text-align: right;">[Page 236]</p>
<p>1 have, sometimes. 2 Q If you could direct your attention on 3 Plaintiff's Exhibit 67 to Bates ending in 338. At 4 the very bottom, you write, "Still need to speak 5 with Jackie. [REDACTED] [REDACTED] and [REDACTED] 6 medical reports. Mom, Kathryn, Alex." 7 Do you see that? 8 A Yes. 9 Q Fair to say that you did none of those 10 things except speak with Jackie? 11 A That was, I guess, at the very end of my 12 reporting process. This was -- I had a long, 13 long, long laundry list of things that I had 14 wanted from Jackie. And every time I got 15 something, I would delete it from the list. 16 So, these were the things that were -- 17 some of the things that were left on the list. 18 Q That you had not completed, correct? 19 A Correct. I mean, in the end, she wound up 20 sending me texts from [REDACTED] and [REDACTED]. The 21 medical reports, I actually didn't need after all. 22 Although, she sent me the medical reports that I 23 wanted, which were about her mental health 24 counseling. But yes. 25 Q On the next page ending in 339, you ask</p> <p style="text-align: right;">[Page 235]</p>	<p>1 and she wasn't calling me back. And Jackie was 2 saying, well, what if -- you know, my mother's 3 coming to visit campus, what if you came down to 4 meet her there. So I called Jackie's mother and I 5 left a voicemail suggesting that perhaps we do 6 that, and why don't we talk by phone before I come 7 down and do that so we can talk through what your 8 concerns might be. 9 Q In the phone numbers that Jackie provided 10 for you for her mom, do you recall if the 11 voicemail actually identified Ms. [REDACTED] as 12 Ms. [REDACTED] or whether it was a more generic 13 voicemail of, "You have reached the voice mail 14 of," fill in the blank? 15 A No, I do distinctly remember that the 16 message, it was a woman's voice and she said -- 17 she said her name was [REDACTED] 18 Q And if you turn over to Bates ending 340, 19 is this a voicemail at the very top, in your 20 brackets, that you left for [REDACTED] [REDACTED] 21 A No. These were all just thoughts that I 22 had. Sometimes I jot them down for notes, if I 23 were going to be speaking to somebody, so that I 24 just have something to refer to. These are all 25 things that I had jotted down. These were</p> <p style="text-align: right;">[Page 237]</p>

<p>1 basically interview notes for when I expected I 2 would finally get her on the phone.</p> <p>3 Q And these were, at the bottom of the page, 4 questions that you were going to ask Ms. [REDACTED] 5 should you get the chance to interview her?</p> <p>6 A Yes.</p> <p>7 Q And that continues over onto page 341, and 8 the very top part of 342?</p> <p>9 A Yes.</p> <p>10 Q I want to direct your attention to Bates 11 ending in 344, the bottom of the page.</p> <p>12 A Uh-huh.</p> <p>13 Q It appears that you have a web link to a 14 Facebook profile for a [REDACTED] 15 Do you see that?</p> <p>16 A Yes.</p> <p>17 Q Was that independent research you were 18 doing on Jackie's mom?</p> <p>19 A Yes, it was.</p> <p>20 Q At the very bottom of the page, you say, 21 "Note: Her profile says she went to Providence 22 College, not Brown, as Jackie told me." 23 Did you discover, from Ms. [REDACTED] 24 [REDACTED] Facebook profile page, that she actually 25 went to Providence College, not Brown as Jackie</p> <p style="text-align: right;">[Page 238]</p>	<p>1 Are these individuals that you spoke with 2 after the article was published?</p> <p>3 THE WITNESS: Am I --</p> <p>4 MS. McNAMARA: You can -- this comes under 5 the cloak of the internal investigation, and so 6 she can speak to communications she had with 7 third-parties. But as to anything about how 8 that got set in motion, what was being done, 9 her conclusions from it, is under the cloak of 10 the internal investigation and is privileged as 11 work product.</p> <p>12 Q I just asked if these were people that you 13 spoke with after the article was published.</p> <p>14 MS. McNAMARA: I know, but she expressed 15 some concern about the answer.</p> <p>16 A I just want to double check. I don't want 17 to be in violation of any kind of privilege.</p> <p>18 Yes.</p> <p>19 Q Who is Alicia [REDACTED]</p> <p>20 A She is, as I put here, one of -- one of 21 Jackie's first year roommates.</p> <p>22 Q What did you and Ms. [REDACTED] speak about?</p> <p>23 A I would need to -- okay. So, I guess I 24 have to recall this -- you don't have those notes 25 for me to look at, I take it?</p> <p style="text-align: right;">[Page 240]</p>
<p>1 told you?</p> <p>2 A Yes.</p> <p>3 Q Did that raise a red flag for you?</p> <p>4 A I wouldn't call it a red flag, but I made 5 a note of it because it was the only inconsistency 6 that I ever noticed of Jackie's. So, I made a 7 note thinking that I would ask [REDACTED] about it 8 when I got her on the phone.</p> <p>9 Q Did you ever ask Jackie about why she told 10 you her mother went to Brown when, in fact, she 11 went to Providence College?</p> <p>12 A No. I mean, given all the other things 13 that I wanted to get from Jackie, it just didn't 14 seem to be all that important. It seemed to me it 15 was, more likely than not, it was just a 16 misunderstanding.</p> <p>17 You know, maybe her mother had taken 18 classes at Brown. Brown and Providence, they're 19 in the same place. It just didn't seem like 20 something that was -- you know, given all the 21 other things that I wanted to get from Jackie, it 22 just didn't seem like a priority.</p> <p>23 Q I want to direct your attention to Bates 24 354. The top of the page, it says, "Post Article 25 Spoke."</p> <p style="text-align: right;">[Page 239]</p>	<p>1 MS. McNAMARA: No.</p> <p>2 A She verified that she was -- she was the 3 other person that Jackie told about her rape, her 4 freshman year, along with Rachel Soltis. And she 5 verified that Jackie's demeanor had changed during 6 her first semester. That she had been very happy 7 go lucky, and then became very depressed. And 8 that she confessed to the two of them, Alicia and 9 Rachel, that she had been orally assaulted by a 10 number of men. I can't remember what number it 11 was that Alicia had said, but it was, it was -- 12 you know, it was somewhere up there. It was, it 13 was, it was -- it was the same account that Rachel 14 Soltis gave me.</p> <p>15 Q Did you also speak with the 16 Charlottesville police department, Detective Via 17 and Sergeant Harris?</p> <p>18 A I did.</p> <p>19 Q And tell me, as best you can remember, 20 everything about that conversation.</p> <p>21 A Well, they initially contacted me as a 22 part of their investigation. But while I had them 23 on the phone, I discovered that Detective V told 24 me -- I'm sorry, I just --</p> <p>25 MS. McNAMARA: Do you want to take a</p> <p style="text-align: right;">[Page 241]</p>

<p>1 break?</p> <p>2 THE WITNESS: No, I'm okay, sorry.</p> <p>3 A Detective V told me -- I was surprised to</p> <p>4 find out that Detective V had had met Jackie</p> <p>5 before because he had said that he had met with</p> <p>6 her around the time of the bottle incident hoping</p> <p>7 to take her sexual assault report.</p> <p>8 Q What else did Detective V and Sergeant</p> <p>9 Harris reveal to you in that conversation?</p> <p>10 A That they interviewed everybody that they</p> <p>11 could think of so far, and that their</p> <p>12 investigation into -- without Jackie's</p> <p>13 cooperation, they were not making any progress in</p> <p>14 solving her sexual assault.</p> <p>15 Q Is there anything else that you can recall</p> <p>16 of your conversation with Detective V and Sergeant</p> <p>17 Harris?</p> <p>18 A No.</p> <p>19 Q Do you know why the detectives didn't get</p> <p>20 a sexual assault report when he met with Jackie in</p> <p>21 the spring of 2014?</p> <p>22 A I only recall that Detective Via said that</p> <p>23 she didn't want to move forward with it. If there</p> <p>24 was anything else, I'd have to look at my notes.</p> <p>25 Q Why do these questions upset you?</p> <p style="text-align: right;">[Page 242]</p>	<p>1 A He asked me when I had started reporting</p> <p>2 on the article, and both he and Sergeant Harris</p> <p>3 seemed surprised that I had only come to UVa -- or</p> <p>4 I had started reporting on UVa in July because,</p> <p>5 for some reason, they were under the impression</p> <p>6 that I had started in -- much earlier in the year,</p> <p>7 I believe in January.</p> <p>8 Q What else did they tell you about Jackie</p> <p>9 and their investigation into Jackie's sexual</p> <p>10 assault?</p> <p>11 A Only what I told you already. That they</p> <p>12 said that they were -- they said that they were</p> <p>13 under a lot of pressure to, to, to solve the case,</p> <p>14 or to bring the case to a close. And they had</p> <p>15 interviewed everybody they could think of -- no,</p> <p>16 were in the process of interviewing everybody they</p> <p>17 could think of, which is why they called me,</p> <p>18 because they weren't sure what I could add to it,</p> <p>19 but they figured they would just try.</p> <p>20 Q Did you cooperate with the police in</p> <p>21 answering their questions?</p> <p>22 A Yes, fully.</p> <p>23 Q Did you assert any sort of shield</p> <p>24 privilege?</p> <p>25 A No.</p> <p style="text-align: right;">[Page 244]</p>
<p>1 A Because, because it just -- it brings me</p> <p>2 back to that time, the time after I realized, you</p> <p>3 know, I had full faith in Jackie and in her story.</p> <p>4 And discovering that, that she had misled me, or</p> <p>5 had omitted information, it was, it was, it was</p> <p>6 just devastating.</p> <p>7 And by the time I spoke with the</p> <p>8 detectives, it was already, you know, a few days</p> <p>9 later. But with each person that I spoke to,</p> <p>10 every time they revealed something that added to</p> <p>11 the sense of my realizing that I had been misled,</p> <p>12 it, it was -- it was just a shock.</p> <p>13 MS. McNAMARA: Do you want to take a</p> <p>14 break?</p> <p>15 Q Do you need to take a break?</p> <p>16 THE WITNESS: Do you mind?</p> <p>17 MS. McNAMARA: No, it's fine.</p> <p>18 THE VIDEOGRAPHER: Go off the record. The</p> <p>19 time is 4:36.</p> <p>20 (Recess taken.)</p> <p>21 THE VIDEOGRAPHER: We'll go back on the</p> <p>22 record. The time is 4:49. It's the beginning</p> <p>23 of DVD Number 5.</p> <p>24 Q Ms. Erdely, tell me what else you remember</p> <p>25 about your conversation with Detective Via.</p> <p style="text-align: right;">[Page 243]</p>	<p>1 Q I hand you what's been marked as</p> <p>2 Plaintiff's Exhibit 283. Plaintiff's Exhibit 283</p> <p>3 is an e-mail exchange between you and Elisabeth</p> <p>4 Garber-Paul.</p> <p>5 (E-mail from Elisabeth</p> <p>6 Garber-Paul to Sabrina Rubin</p> <p>7 Erdely dated November 5, 2014</p> <p>8 Bates stamped RS013606 through</p> <p>9 13608 was referenced as</p> <p>10 Plaintiff's Exhibit 283.)</p> <p>11 Q Do you recognize it as such?</p> <p>12 A Yes.</p> <p>13 Q And if I can direct your attention to</p> <p>14 Bates 607, you respond to an e-mail with</p> <p>15 Ms. Garber-Paul where she communicates to you that</p> <p>16 she talked to Jackie for about two hours.</p> <p>17 Do you see that?</p> <p>18 A Yes.</p> <p>19 Q And you wrote, "Fantastic. I'm glad to</p> <p>20 hear it went well. Thanks for letting me know and</p> <p>21 letting her," in all caps, "know we'll be</p> <p>22 accommodating of her, which seems crucial towards</p> <p>23 getting her through this process."</p> <p>24 Did you write those words?</p> <p>25 A Yes.</p> <p style="text-align: right;">[Page 245]</p>

<p>1 Q You can set that aside.</p> <p>2 A Again, I was just -- I was only asking</p> <p>3 that we -- I mean, I knew that Liz -- Liz is a</p> <p>4 very kind person. I was only asking that she</p> <p>5 continue to show kindness to somebody who had been</p> <p>6 through a trauma.</p> <p>7 Q I'm going to hand you what's been marked</p> <p>8 as Plaintiff's Exhibit 48.</p> <p>9 (E-mail from Melissa Bruno Bates</p> <p>10 stamped RS008128 through 8129</p> <p>11 was referenced as Plaintiff's</p> <p>12 Exhibit 48.)</p> <p>13 Q Plaintiff's Exhibit 48 is a promotional</p> <p>14 e-mail that Rolling Stone sent out regarding "A</p> <p>15 Rape on Campus."</p> <p>16 Do you know who at Rolling Stone wrote</p> <p>17 this promotional e-mail?</p> <p>18 A No.</p> <p>19 Q Have you ever seen it before?</p> <p>20 A No -- actually, yes, I'm sorry. I saw it</p> <p>21 yesterday during prep.</p> <p>22 Q Do you know who generally writes</p> <p>23 promotional e-mails like this at Rolling Stone?</p> <p>24 A No.</p> <p>25 Q Do you know how someone would write a</p> <p style="text-align: right;">[Page 246]</p>	<p>1 way is, actually -- is overlooked. So, it depends</p> <p>2 on what you mean by overlooked.</p> <p>3 I mean, their needs are attended to in</p> <p>4 terms of their -- they're attended to for their</p> <p>5 mental health. They're given all kinds of</p> <p>6 accommodations in terms of support groups.</p> <p>7 But in terms of actually resolving their</p> <p>8 cases, that is very rarely done and that was</p> <p>9 upheld through the statistics that the PR office</p> <p>10 gave me.</p> <p>11 Q The promotional e-mail goes on to say,</p> <p>12 "The article's written by contributing editor</p> <p>13 Sabrina Rubin Erdely. Erdely sheds light on UVa's</p> <p>14 long history of basically letting sexual abuse go</p> <p>15 unpunished, and how victims have been discouraged</p> <p>16 from pressing charges."</p> <p>17 Do you think that's a fair summary to say,</p> <p>18 or fair statement to say, that victims at UVa have</p> <p>19 been discouraged from pressing charges?</p> <p>20 A Well, it's talking there about a darker</p> <p>21 chapter in UVa's history that I talk about in a</p> <p>22 separate section, where I talk about -- I mean,</p> <p>23 what it says here about long history, I'm talking</p> <p>24 about Liz Securo. I'm talking about, there was --</p> <p>25 there was an accuser in 1993 with a person who</p> <p style="text-align: right;">[Page 248]</p>
<p>1 promotional e-mail, if they had a draft of the</p> <p>2 article with them, in drafting the promotional</p> <p>3 e-mail?</p> <p>4 MS. McNAMARA: Objection. Lack of</p> <p>5 foundation.</p> <p>6 A I have no knowledge of how anything</p> <p>7 promotional happens at Rolling Stone.</p> <p>8 Q If you could take a second to review the</p> <p>9 e-mail that Rolling Stone sent out. It says, in</p> <p>10 part, that, "She," meaning you, "was horrified to</p> <p>11 learn how the administration largely overlooks</p> <p>12 victims of sexual assault and how the abusers keep</p> <p>13 getting away with their crimes."</p> <p>14 Is that a fair --</p> <p>15 MS. McNAMARA: Objection. That</p> <p>16 mischaracterizes the document that she refers</p> <p>17 to Jackie in that same sentence.</p> <p>18 MS. LOCKE: That's fair, thank you.</p> <p>19 Q Do you think it's a fair statement that</p> <p>20 the administration largely overlooks victims of</p> <p>21 sexual assault, meaning the UVa administration?</p> <p>22 A I think that the end result of the way</p> <p>23 that victims of sexual assault are treated at UVa</p> <p>24 is that they're -- the need to follow them through</p> <p>25 to create a case, that is then prosecuted in some</p> <p style="text-align: right;">[Page 247]</p>	<p>1 asked to have the lighting changed. There was</p> <p>2 Susan Russell's daughter, and Annie Hilton. So,</p> <p>3 those were all examples of -- those were all</p> <p>4 examples of that.</p> <p>5 Q Was Jackie discouraged from reporting her</p> <p>6 rape to police?</p> <p>7 A She was given -- she was given a</p> <p>8 paralyzing number of choices. I would say that</p> <p>9 the net effect of her -- of her being influenced</p> <p>10 by her peers had a lot of to do with her feeling</p> <p>11 discouraged.</p> <p>12 Q Did Dean Eramo discourage her from</p> <p>13 reporting her rape to police?</p> <p>14 A No. I would actually say that Dean Eramo</p> <p>15 was -- I mean, in her e-mails, she makes it clear</p> <p>16 that, if Jackie were to ever decide to report,</p> <p>17 that she would be there to help her.</p> <p>18 Q I'm going to hand you what's been marked</p> <p>19 as Plaintiff's Exhibit 509.</p> <p>20 (Transcript Bates stamped</p> <p>21 ERAMO-04828 through 4873 was</p> <p>22 referenced as Plaintiff's</p> <p>23 Exhibit 509.)</p> <p>24 Q And I direct your attention to --</p> <p>25 MS. McNAMARA: Why don't you put those</p> <p style="text-align: right;">[Page 249]</p>

<p>1 over here, because otherwise it's going to get</p> <p>2 in the middle of the video, the big reporting</p> <p>3 notes.</p> <p>4 Q Plaintiff's Exhibit 509 is a transcript of</p> <p>5 The Brian Lehrer Show.</p> <p>6 Do you recall being interviewed on The</p> <p>7 Brian Lehrer Show?</p> <p>8 A Barely.</p> <p>9 Q I'm going to direct your attention to</p> <p>10 Bates ending in 821. You were, in fact,</p> <p>11 interviewed on that show, correct?</p> <p>12 A I was.</p> <p>13 Q And on that show, you're reported as</p> <p>14 having said, "Well, the reason why her story</p> <p>15 really stood out is, obviously, because it was so</p> <p>16 extreme. But the reason why I used it was because</p> <p>17 her story -- what really shocked me about her</p> <p>18 story, was that her story was treated by her peers</p> <p>19 and by the administration, much like stories of,</p> <p>20 let's call them typical sort, or rape allegations,</p> <p>21 that they were treated -- she was kind of brushed</p> <p>22 off by her friends and by the administration.</p> <p>23 When she told her friends about it, they either</p> <p>24 didn't believe her or they downplayed the</p> <p>25 situation. They encouraged her not to report it</p> <p style="text-align: right;">[Page 250]</p>	<p>1 to be what Title IX demanded.</p> <p>2 And I would have thought that -- and I</p> <p>3 kind of contrasted to, you know, this sort of</p> <p>4 typical rape. That maybe, you know, your</p> <p>5 run-of-the-mill rape might not rise to that level</p> <p>6 of alarm, but I would have thought that a rape</p> <p>7 like Jackie reported, would be ringing alarm bells</p> <p>8 all over campus.</p> <p>9 So, when I talk about the administration</p> <p>10 doing nothing with the information, and the</p> <p>11 indifference that they showed, what I'm talking</p> <p>12 about is the idea that this end result that you</p> <p>13 would have expected, which would have been a</p> <p>14 campus-wide warning, and, again, which the experts</p> <p>15 told me Title IX demanded, never materialized.</p> <p>16 Q You didn't say that the administration</p> <p>17 issued no warning, you said that Jackie was kind</p> <p>18 of brushed off by the administration, correct?</p> <p>19 A Again, this is shorthand for the article</p> <p>20 itself.</p> <p>21 Q And were you suggesting that Dean Eramo</p> <p>22 brushed off Jackie?</p> <p>23 MS. McNAMARA: Objection. That's been</p> <p>24 asked and answered.</p> <p>25 A I did not say that.</p> <p style="text-align: right;">[Page 252]</p>
<p>1 because they said it would kill her reputation on</p> <p>2 campus. And, eventually, when she did report it</p> <p>3 to the administration, the administration did</p> <p>4 nothing about -- they did nothing with the</p> <p>5 information. And they even continued to do</p> <p>6 nothing even when she eventually told them that</p> <p>7 she had become aware of two other women who were</p> <p>8 also gang raped at the fraternity. So, the idea</p> <p>9 that, even in a case that was so extreme as</p> <p>10 Jackie's, there would be this level of</p> <p>11 indifference, it really opened up a window into</p> <p>12 what was happening on campus with regard to rape</p> <p>13 cases in general."</p> <p>14 Did you make that statement on The Brian</p> <p>15 Lehrer Show?</p> <p>16 A I did.</p> <p>17 Q What did you mean when you said that</p> <p>18 Jackie was kind of brushed off by the</p> <p>19 administration?</p> <p>20 A Well, what I meant there was, the idea</p> <p>21 that, I was pretty shocked that somebody with --</p> <p>22 even with a story as extreme as hers, was not</p> <p>23 being -- that this case was not being actively</p> <p>24 investigated, and that a warning was not being</p> <p>25 issued to the campus. Because I understood that</p> <p style="text-align: right;">[Page 251]</p>	<p>1 Q Who were you referring to by "the</p> <p>2 administration," if not Dean Eramo?</p> <p>3 A I don't know who -- as I mention in that,</p> <p>4 in that interview that you pointed out with Sara</p> <p>5 and -- I'm sorry, with Jackie and Alex, there are</p> <p>6 lots of people in the administration who are in</p> <p>7 charge of making the sexual assault-related</p> <p>8 decisions. Dean Eramo is only the most public</p> <p>9 face of them because she is the liaison with the</p> <p>10 students.</p> <p>11 I don't actually know who it is with the</p> <p>12 administration who is the one who would issue the</p> <p>13 campus warning, or what the procedure would be for</p> <p>14 something like that.</p> <p>15 I just know that there are administrators</p> <p>16 who do that.</p> <p>17 Q Who else, to your understanding, did</p> <p>18 Jackie interface with in the administration with</p> <p>19 respect, specifically, to her rape allegations?</p> <p>20 A I found out from Jackie and Alex that,</p> <p>21 that Dean Eramo had told Dean Groves Jackie's</p> <p>22 identity, which Jackie was really horrified about.</p> <p>23 But I don't believe Jackie ever -- Jackie never</p> <p>24 told me that she ever actually interfaced</p> <p>25 personally with him.</p> <p style="text-align: right;">[Page 253]</p>

<p>1 Q Did Jackie tell you that she interfaced 2 with anyone else, specifically with respect to her 3 sexual assault, in the administration at UVa? 4 A Her administrative dean, who was the one 5 who had referred her to Dean Eramo in the first 6 place. 7 Q Dean Lyons referred Jackie to Dean Eramo; 8 is that your understanding? 9 A Yes. 10 Q Do you consider that brushing Jackie off? 11 A No. But the -- 12 MS. McNAMARA: Objection. 13 Mischaracterization of her testimony. 14 MS. LOCKE: I'm asking a question. It's 15 not a mischaracterization of anything. 16 Q I'm asking whether you believe 17 forwarding -- referring Jackie, Dean Lyons 18 referring Jackie to Dean Eramo would be brushing 19 Jackie off? 20 MS. McNAMARA: That's a different 21 question. 22 Your prior question had an implication or 23 foundation that that is either what she said or 24 wrote, neither of which is true. 25 A Like I said, I did not say that Dean Eramo</p> <p style="text-align: right;">[Page 254]</p>	<p>1 MS. LOCKE: Well, I can be clear, I've 2 never listened to the DoubleX Gabfest in my 3 life. 4 MS. McNAMARA: Hanna Rosin is a very good 5 reporter. She's married to David Plotz. 6 THE WITNESS: Oh, yeah? 7 MS. McNAMARA: Yeah. 8 Q I'm going to direct your attention to 9 Bates 586. Ms. Rosin asks you, "And can you tell 10 us a little bit what, for our listeners, what 11 Jackie told you, kind of how did the story unfold? 12 Did she tell you right away, did the details come 13 out slowly?" 14 To which you respond, "One thing that 15 surprised me, the details came out right away. 16 The minute we got on the phone, she was so ready 17 to tell her story that she was a freshman at the 18 University of Virginia, just a few weeks into her 19 freshman year, having the time of her life. I 20 mean, she said that the first month of her 21 freshman year was like the happiest four weeks 22 that she'd ever had, and she had been invited out 23 on a date by this handsome junior who had invited 24 her out to dinner and then to a fraternity party. 25 At that party, he invited her up the stairs into a</p> <p style="text-align: right;">[Page 256]</p>
<p>1 brushed off Jackie. What I said was that this 2 was, this was shorthand for my saying that the end 3 result of what you would have expected from 4 Jackie's report never came back. 5 Q Did Dean Lyons brush off Jackie when he 6 referred her to Dean Eramo? 7 A No. 8 Q I'm going to hand you what's been marked 9 as Plaintiff's Exhibit 461. 10 (Transcript Bates stamped 11 ERAMO-04583 through 4578 was 12 referenced as Plaintiff's 13 Exhibit 461.) 14 Q Plaintiff's Exhibit 461 is a transcript of 15 the Hanna Rosin show. 16 Do you recall being interviewed by Hanna 17 Rosin on the Slate podcast? 18 A Yes. 19 MR. CHEW: If you have an extra, that 20 would be great. 21 MS. LOCKE: Did I take yours? I'm sorry. 22 MR. CHEW: It's okay. I appreciate it. 23 MS. McNAMARA: Actually, I don't think 24 it's called the Hanna Rosin show. I think it's 25 called the DoubleX Gabfest.</p> <p style="text-align: right;">[Page 255]</p>	<p>1 bedroom and says she was then waiting in that 2 bedroom. It was pitch black in there. There were 3 seven men who took turns gang raping her for the 4 next three hours while her date and another guy 5 gave them encouragement and instruction." 6 Did you say those words on Ms. Rosin's 7 show? 8 A Yes. 9 Q Ms. Rosin responds, "It's just a crazy 10 story." And you respond, "I know. It boggles the 11 mind. It boggles the mind. But then it 12 actually -- I mean, it becomes even more 13 disturbing when Jackie told me that she had 14 actually told her friends, who had discouraged her 15 from reporting and who had totally downplayed the 16 situation. She had eventually kind of mustered up 17 the courage to tell the administration that she 18 had been brutally gang raped, and that the 19 university did nothing with this information, and 20 that they continued to do nothing even when she 21 eventually then told them that she had become 22 aware of two other women who were also gang raped 23 at the same fraternity. So, their idea that this 24 was some kind of culture in which there was so 25 much indifference and apathy towards rape victims,</p> <p style="text-align: right;">[Page 257]</p>

[65] (Pages 254 to 257)

<p>1 it was radiating everywhere, from the student 2 body, from the administration itself. I felt like 3 this is something that I did not really expect to 4 find." 5 Did you state those words on Ms. Rosin's 6 show? 7 A Yes. 8 Q And again, the person to whom Jackie 9 relayed the details of a sexual assault was Dean 10 Eramo, correct? 11 A Correct. But, again, I mean, this is 12 going to sound like a broken record, but when I 13 talk about how the administration did nothing, and 14 the indifference and the apathy towards rape 15 victims, or potential rape victims in this case, 16 what I'm talking about is the fact that the 17 administration had this information that was, you 18 know, as Hanna says, crazy, and I'm saying it's 19 mind boggling. They took this information and 20 they decided it didn't -- for whatever reason, it 21 didn't rise to the level of notifying the campus. 22 Q Do you consider taking Jackie to the 23 police doing nothing with respect to her 24 allegations of gang rape? 25 MS. McNAMARA: Objection. Lack of</p> <p style="text-align: right;">[Page 258]</p>	<p>1 the end of your answer on the following page, 592, 2 to line 15, the end of your answer. 3 A (Perusing document.) 4 Okay. 5 Q You state, in part, "But it was absolutely 6 a violent crime and I think what was really 7 telling was the idea that -- and this is really 8 underscores the entire article. It's that the 9 student body and the administration doesn't really 10 treat rape as a crime, as a violent crime." 11 Who were you referring to in the 12 administration that doesn't treat rape as a crime? 13 A Well, I'm talking about how the Sexual 14 Misconduct Board will often have informal 15 mediations over rapes in which, when the 16 perpetrator -- the perpetrator is then directed to 17 get anger management counseling. 18 Q Are you suggesting that Dean Eramo doesn't 19 treat rape as a crime? 20 A I did not say Dean Eramo. 21 Q I'm asking if you were suggesting if Dean 22 Eramo didn't treat rape as a crime, not whether 23 you actually used her name. 24 A Dean Eramo, I'm aware, did present Jackie 25 with the option of going to police. She was</p> <p style="text-align: right;">[Page 260]</p>
<p>1 foundation. 2 It has not been established that she knew 3 that she took her to the police regarding her 4 sexual assault. 5 A I was only aware that Jackie was taken to 6 the police -- that Dean Eramo accompanied her in 7 an interview with police to report the bottle 8 incident. Nothing else. 9 Q When did you learn that Dean Eramo did, in 10 fact, take Jackie to the police to report her 11 sexual assault? 12 A I didn't know that Jackie met with police 13 to talk about the sexual assault until, until I 14 spoke with Detective Via on -- after publication 15 of the article on December 18th. 16 Q Who were you referring to when you said, 17 "Ms. [REDACTED] told them that she had become aware 18 of two other women who were also gang raped." 19 Who did Ms. [REDACTED] tell that she had 20 become aware of two other women when she was gang 21 raped? 22 A She told Dean Eramo. 23 Q I'm going to direct your attention to 591, 24 Bates 591. You could read to yourself from where 25 Ms. Rosin says, "It's a gang rape," down through</p> <p style="text-align: right;">[Page 259]</p>	<p>1 obviously aware that it was a crime. But I -- but 2 I do know that very few of these cases do wind up 3 going to police, and, and many of these wind up 4 being handled in these informal hearings where 5 they wind up being treated as behavioral issues. 6 Q You go on to say, on the next page, 592, 7 that, "Even in this situation that was so extreme 8 and so obviously within the realm of criminal, 9 that they would seek to suppress something like 10 this, because that's really what they did." 11 Did Dean Eramo seek to suppress Jackie's 12 gang rape, in your mind? 13 A No. But I think that what she 14 inadvertently did was paralyze Jackie with 15 choices. I think, in a situation like Jackie's, 16 where there's a potential for other people to be 17 in harm's way, I would think that the 18 encouragement would be very strong for her to go 19 to police. 20 Q Who is the "they" that you're referring 21 to, then, there, when you say, "They would seek to 22 suppress something like this"? Who is "they"? 23 A The administration, whoever it is that 24 makes these decisions. I mean, I don't think that 25 Dean Eramo, alone, is the person who makes these</p> <p style="text-align: right;">[Page 261]</p>

[66] (Pages 258 to 261)

<p>1 decisions. I believe there is a whole wing of</p> <p>2 administrators that deals with these sorts of</p> <p>3 things, most of them that -- that Dean Eramo</p> <p>4 reports to.</p> <p>5 Q You agree that Dean Eramo is part of the</p> <p>6 UVa administration, don't you?</p> <p>7 A Yes.</p> <p>8 Q When you say, "Not only did they not</p> <p>9 report it to the police, but I really feel she was</p> <p>10 sort of discouraged from moving forward."</p> <p>11 Who discouraged Jackie from moving</p> <p>12 forward? Are you referring to Dean Eramo there?</p> <p>13 A No, I was not. Really, when I talk about</p> <p>14 discouraging her from moving forward, I'm really</p> <p>15 talking about -- I'm really more talking about the</p> <p>16 discouragement that she felt that she got from the</p> <p>17 student body and the discouragement that she felt</p> <p>18 from this kind of paralysis of choices.</p> <p>19 Q When you say, "Not only did they not</p> <p>20 report it to police, but I really feel she was</p> <p>21 discouraged from moving forward. I would think</p> <p>22 that the first thing they would do would be to</p> <p>23 tell her this needs to go to the police," you're</p> <p>24 referring to the student body?</p> <p>25 A No. In that case, I am talking about the</p> <p style="text-align: right;">[Page 262]</p>	<p>1 A Jackie felt supported by Dean Eramo. But</p> <p>2 one thing that really chipped away at Jackie's</p> <p>3 feeling that she was -- that her -- that she --</p> <p>4 one thing that really chipped away at Jackie was</p> <p>5 the idea that her word was not enough, that she</p> <p>6 needed to gather up these two other people to make</p> <p>7 a case against this fraternity. So, to that</p> <p>8 extent, she didn't feel like she was entirely</p> <p>9 supported.</p> <p>10 But no, I think that she makes it clear,</p> <p>11 and I make it clear in the article, how much she</p> <p>12 loves Dean Eramo, she thinks that she's an asset</p> <p>13 to the community. I think I'm very clear about</p> <p>14 that.</p> <p>15 And to the extent that Dean Eramo is the</p> <p>16 only person that she really interfaced with, I</p> <p>17 think I make it very clear in the article that she</p> <p>18 had very positive interactions with her.</p> <p>19 Q Who in the administration are you</p> <p>20 referring to, then, in Plaintiff's Exhibit 461,</p> <p>21 when you say that she's not really had any of that</p> <p>22 support from the administration?</p> <p>23 A I think it would require a great deal of</p> <p>24 support for her to move forward. And perhaps the</p> <p>25 support of just one administrator isn't enough.</p> <p style="text-align: right;">[Page 264]</p>
<p>1 idea that I would think that this would be</p> <p>2 something that she would be strongly urged to go</p> <p>3 to police about.</p> <p>4 Q As you sit here today, do you think the</p> <p>5 reason that Jackie didn't go to the police is</p> <p>6 really because she was paralyzed with too many</p> <p>7 choices?</p> <p>8 MS. McNAMARA: Objection. Calls for</p> <p>9 speculation.</p> <p>10 A I have no idea.</p> <p>11 Q I'm going to direct your attention to the</p> <p>12 text page, Bates 593. And if you could read your,</p> <p>13 your response on Bates 593 that stops at line 2 on</p> <p>14 594.</p> <p>15 A (Perusing document.)</p> <p>16 Okay.</p> <p>17 Q You say that, "I just think it would</p> <p>18 require a great deal of support for her to move</p> <p>19 forward into any of these options to resolve her</p> <p>20 case, and that's something that's been completely</p> <p>21 absent. She really has not had any of that</p> <p>22 support from her friends, from the administration,</p> <p>23 nor from her family."</p> <p>24 Is it fair to say that you were saying</p> <p>25 that Dean Eramo did not provide her support?</p> <p style="text-align: right;">[Page 263]</p>	<p>1 Q I want to direct your attention to the</p> <p>2 bottom of Bates 594, in Plaintiff's Exhibit 461.</p> <p>3 You say, "What I found is that UVa is a</p> <p>4 place where the culture is one of extreme loyalty,</p> <p>5 so I guess it shouldn't have surprised me that the</p> <p>6 community of survivors, they're totally devoted to</p> <p>7 the university, even as they're not very happy</p> <p>8 with the way their cases are handled. They</p> <p>9 totally buy into the attitude that radiates from</p> <p>10 the administration that doing nothing is a fine</p> <p>11 option. You know, if you unburden yourself to the</p> <p>12 dean and take care of your own mental health, then</p> <p>13 that's good enough."</p> <p>14 Are you referring to Dean Eramo when you</p> <p>15 refer to, "unburden yourself to the dean" there?</p> <p>16 A Yes. Or whoever the intake dean is. I</p> <p>17 mean, sometimes -- I'm aware that sometimes people</p> <p>18 can confide in other deans.</p> <p>19 Q You go on to say, "They create the support</p> <p>20 group, which is great for them and they do</p> <p>21 activism, they do bystander support seminars -- I</p> <p>22 mean, intervention seminars and things like that,</p> <p>23 which is great, but really what they're kind of</p> <p>24 doing is reaffirming each other's choices not to</p> <p>25 report, which is, of course, an echo of their</p> <p style="text-align: right;">[Page 265]</p>

[67] (Pages 262 to 265)

<p>1 administration's kind of ethos."</p> <p>2 Do you think that Dean Eramo has the kind</p> <p>3 of ethos to discourage victims from reporting?</p> <p>4 A I think, again, that is the -- that is the</p> <p>5 effect of the policy of victim choice, that victim</p> <p>6 choice leads to victims not reporting, and that</p> <p>7 becomes codified in these victim support meetings</p> <p>8 in which nobody's reporting, and so that becomes</p> <p>9 the standard and everybody becomes okay with it.</p> <p>10 Q I'm going to hand you what's been marked</p> <p>11 as Plaintiff's Exhibit 536.</p> <p>12 (Notes from conversation after</p> <p>13 publication of article Bates</p> <p>14 stamped RS014975 through 14980</p> <p>15 was referenced as Plaintiff's</p> <p>16 Exhibit 536.)</p> <p>17 Q Plaintiff's Exhibit 536 appears to be a --</p> <p>18 yet another reporting file, but maybe you can tell</p> <p>19 me what it is.</p> <p>20 A Yes, this -- these are my notes from</p> <p>21 conversations that I had after the article came</p> <p>22 out.</p> <p>23 Q At the top of the first page of</p> <p>24 Plaintiff's Exhibit 536, you say, "The day before</p> <p>25 Thanksgiving, Wednesday, 11/26, long conversation</p> <p style="text-align: right;">[Page 266]</p>	<p>1 sensitive about him. And I didn't know what her</p> <p>2 mental health was, knowing that this article had</p> <p>3 come out and was so much bigger than we ever</p> <p>4 expected. And my understanding of what was</p> <p>5 happening on the UVa campus is that it was just in</p> <p>6 chaos.</p> <p>7 And so, I wanted to speak to Jackie to</p> <p>8 check in with her, but also because I wanted to</p> <p>9 find out how she was feeling about things. So</p> <p>10 that, should other interviewers want to talk about</p> <p>11 Drew and my process of contacting or not</p> <p>12 contacting Drew, so that I could be upfront with</p> <p>13 it and she'd be okay with -- I just, I needed to</p> <p>14 know that she was all right. So -- which is why,</p> <p>15 which is why, in the course of this conversation,</p> <p>16 I had asked her for the man's name.</p> <p>17 Q And I appreciate all of that.</p> <p>18 All I asked was whether you typed these</p> <p>19 notes. And the answer is yes?</p> <p>20 A I already answered that.</p> <p>21 MS. McNAMARA: And she needed to -- she</p> <p>22 felt the need to explain it. She's entitled to</p> <p>23 explain any question asked.</p> <p>24 Q Did you, in fact, think it was odd that</p> <p>25 Ms. [REDACTED] didn't know the name of her attacker,</p> <p style="text-align: right;">[Page 268]</p>
<p>1 with Jackie, she's feeling good with the article,</p> <p>2 thanks me repeatedly, says it really represents</p> <p>3 her. I tell her I'm very glad, but still</p> <p>4 uncomfortable not knowing the name of her alleged</p> <p>5 assailant, would she finally tell me? She does.</p> <p>6 [REDACTED]. Or [REDACTED] I ask her to spell.</p> <p>7 She says she's not sure if it's an [REDACTED] or an [REDACTED].</p> <p>8 Brackets: Mental note. That it's odd that she</p> <p>9 doesn't know the name of her attacker, but I run</p> <p>10 [REDACTED] through the UVa people search, there</p> <p>11 is someone by that name who is a UVa grad and now</p> <p>12 a grad student. A quick Google search turns up</p> <p>13 nothing. I decide to pursue more after the</p> <p>14 holiday weekend."</p> <p>15 Did you write those notes?</p> <p>16 A Yes.</p> <p>17 Q Fair to say --</p> <p>18 A This was -- this was, just for context,</p> <p>19 this was the same day that I had given these two</p> <p>20 interviews that we just discussed. And it was</p> <p>21 apparent to me that, you know, people wanted to</p> <p>22 talk about the process behind the article. And I</p> <p>23 wanted to be able to talk about it more fully.</p> <p>24 But I didn't know -- I didn't know how to talk</p> <p>25 about Drew, since I knew that Jackie was so</p> <p style="text-align: right;">[Page 267]</p>	<p>1 as you say here, "mental note"?</p> <p>2 A I did. Because Jackie was always so</p> <p>3 detailed and definite about all the things that</p> <p>4 she knew. And if she didn't know something, then</p> <p>5 she would tell me so. So, this just seemed -- it</p> <p>6 seemed strange. And what I thought, at the time,</p> <p>7 was that she was -- that she still didn't want to</p> <p>8 give me the name, and that she was giving me a bit</p> <p>9 of misdirection so that I would stop bothering her</p> <p>10 about it.</p> <p>11 Q And as a result of Ms. [REDACTED] giving you</p> <p>12 the name of [REDACTED], you did, in fact, do</p> <p>13 some digging and run a UVa people search and a</p> <p>14 Google search, correct?</p> <p>15 A Yes.</p> <p>16 Q I'm going to hand you as Plaintiff's</p> <p>17 Exhibit 411.</p> <p>18 (E-mail from Sean Woods to</p> <p>19 Sabrina Rubin Erdely dated</p> <p>20 December 1, 2014 Bates stamped</p> <p>21 RS003090 through 3091 was</p> <p>22 referenced as Plaintiff's</p> <p>23 Exhibit 411.)</p> <p>24 Q It's an e-mail. If you turn to the second</p> <p>25 page, 091, an e-mail that you sent on</p> <p style="text-align: right;">[Page 269]</p>

[68] (Pages 266 to 269)

<p>1 November 26th to Sean Woods, correct?</p> <p>2 A Yes.</p> <p>3 Q And you asked Mr. Woods, "Would it be</p> <p>4 possible to retrieve the online comments on the</p> <p>5 UVa story about the Phi Psi members whose Facebook</p> <p>6 profiles were suddenly deleted? Did it name</p> <p>7 names? If so, I'd very much like to see it."</p> <p>8 Were you asking Mr. Woods for the deleted</p> <p>9 comments so you could attempt to identify [REDACTED]</p> <p>10 A Yes.</p> <p>11 Q You can set that aside.</p> <p>12 (Columbia Journalism Review</p> <p>13 article entitled "Rolling</p> <p>14 Stone's Investigation: A Failure</p> <p>15 that was avoidable" Bates</p> <p>16 stamped ERAMO-04541 through 4563</p> <p>17 was referenced as Plaintiff's</p> <p>18 Exhibit 6.)</p> <p>19 Q I'm going to hand you what's been marked</p> <p>20 as Plaintiff's Exhibit 6, which is the Columbia</p> <p>21 Journalism Review. I take it you've read this</p> <p>22 before?</p> <p>23 A Yes.</p> <p>24 Q I'm going to direct your attention to</p> <p>25 Bates 4543. The second paragraph, it reads, "A</p> <p style="text-align: right;">[Page 270]</p>	<p>1 Q The report goes on. "Jackie gave Erdely a</p> <p>2 name. But as the reporter typed, her fingers</p> <p>3 stopped. Jackie was unsure how to spell the</p> <p>4 lifeguard's last name. Jackie speculated aloud</p> <p>5 about possible variations. Quote, An alarm bell</p> <p>6 went off in my head, Erdely said."</p> <p>7 Did Columbia quote you correctly there?</p> <p>8 A Yes. Although, it was a poor choice of</p> <p>9 words on my part -- on my part.</p> <p>10 Q "How could Jackie not know the exact name</p> <p>11 of someone she had said -- she said had carried</p> <p>12 out such a terrible crime against her, a man she</p> <p>13 professed to fear so deeply. Over the next few</p> <p>14 days, worried about the integrity of her story,</p> <p>15 the reporter investigated the name Jackie had</p> <p>16 provided. But she was unable to confirm that he</p> <p>17 worked at the pool, was a member of the fraternity</p> <p>18 Jackie had identified, or had other connections to</p> <p>19 Jackie or to her descriptions of her assault."</p> <p>20 Is that an accurate statement that, over</p> <p>21 the next few days, you were worried about the</p> <p>22 integrity of your story, you investigated the name</p> <p>23 Jackie had provided, and did the other things that</p> <p>24 I just read in that sentence?</p> <p>25 A That is not an accurate statement. I was</p> <p style="text-align: right;">[Page 272]</p>
<p>1 week after publication, on the day before</p> <p>2 Thanksgiving, Erdely spoke with Jackie by phone.</p> <p>3 'She thanked me many times,' Erdely said. Jackie</p> <p>4 seemed, quote, adrenaline-charged and feeling</p> <p>5 really good."</p> <p>6 Did Columbia quote you correctly?</p> <p>7 A Yes.</p> <p>8 Q "Erdely chose this moment to revisit the</p> <p>9 mystery of the lifeguard who had lured Jackie and</p> <p>10 overseen her assault. Jackie's unwillingness to</p> <p>11 name him continued to bother Erdely. Apparently</p> <p>12 the man was still dangerous and at large. Quote,</p> <p>13 This is not going to be published, the writer</p> <p>14 said, as she recalled, Can you just tell me, end</p> <p>15 quote."</p> <p>16 Did Columbia quote you correctly there?</p> <p>17 A They quoted me correctly, but the</p> <p>18 editorialized wrongly. Their conclusion was that</p> <p>19 I -- the reason why I was bothered was because</p> <p>20 there was this man who was still dangerous at</p> <p>21 large. That was not the reason I was bothered. I</p> <p>22 was simply bothered because this was somebody who</p> <p>23 I didn't know his identity. People were asking</p> <p>24 me, you know, about my efforts to contact him, and</p> <p>25 I wanted to be able to talk about it freely.</p> <p style="text-align: right;">[Page 271]</p>	<p>1 not worried about the integrity of my story. The</p> <p>2 fact that Jackie had given me what I thought was a</p> <p>3 false name, I thought was a bit of misdirection on</p> <p>4 my part because she didn't want to share this</p> <p>5 information with me. It didn't, in any way,</p> <p>6 compromise that my feeling that she had told me</p> <p>7 the truth. I felt very passionately that we what</p> <p>8 we had printed was the truth, and what I discussed</p> <p>9 with my editor -- editors, was, in fact, yes, I</p> <p>10 did try to -- the rest of it is correct.</p> <p>11 I did try to confirm, in various ways,</p> <p>12 that he worked at the pool. I looked up -- I</p> <p>13 actually -- I think I had done some of this</p> <p>14 before -- oh, no, but only with the name [REDACTED] I'm</p> <p>15 sorry.</p> <p>16 But I did look up things like past swim</p> <p>17 teams, looking for names of lifeguards. I looked</p> <p>18 up --</p> <p>19 MS. McNAMARA: Just for clarity, are you</p> <p>20 talking about prepublication or post</p> <p>21 publication?</p> <p>22 THE WITNESS: This was -- sorry, this was</p> <p>23 pre, prepublication. Sorry.</p> <p>24 MS. McNAMARA: Just -- I just thought your</p> <p>25 testimony was unclear.</p> <p style="text-align: right;">[Page 273]</p>

<p>1 THE WITNESS: Yeah, I'm sorry.</p> <p>2 A So, no, I was not worried about the</p> <p>3 integrity of my story. And what I discussed with</p> <p>4 my editors, my concerns with my editors, was,</p> <p>5 actually, number one, that, you know, I thought</p> <p>6 that she had given me a false name. I told them</p> <p>7 that right away. I said that she had given me a</p> <p>8 name, but I wasn't sure it was the right name.</p> <p>9 But I didn't feel overly concerned about it, and</p> <p>10 we discussed it.</p> <p>11 But what we primarily discussed the</p> <p>12 following week, after Thanksgiving, was the idea</p> <p>13 that my story was suddenly under attack from</p> <p>14 people saying that it wasn't true.</p> <p>15 Q I'd like to direct your attention to Bates</p> <p>16 556 in Plaintiff's Exhibit 6. In particular,</p> <p>17 Columbia writes, "In hindsight, the most</p> <p>18 consequential decision Rolling Stone made was to</p> <p>19 accept that Erdely had not contacted the three</p> <p>20 friends who spoke with Jackie on the night she</p> <p>21 said she was raped."</p> <p>22 A I'm sorry, where are you?</p> <p>23 Q The very top.</p> <p>24 MS. McNAMARA: The second full paragraph.</p> <p>25 Q 556. It goes on, "That was the reporting</p> <p style="text-align: right;">[Page 274]</p>	<p>1 we're going to do this?</p> <p>2 THE VIDEOGRAPHER: We're going off the</p> <p>3 record. The time is 5:30.</p> <p>4 (Recess taken.)</p> <p>5 THE VIDEOGRAPHER: Go back on the record.</p> <p>6 The time is 5:31.</p> <p>7 Q Ms. Erdely, before we took a break, you</p> <p>8 were testifying about conversations that you</p> <p>9 recall having with Mr. Woods about the three</p> <p>10 friends.</p> <p>11 A Right, so I can't specifically remember</p> <p>12 when we had this conversation, or these</p> <p>13 conversations. But we touched on the friends</p> <p>14 multiple times, but it always came back to the</p> <p>15 idea that, if Ryan wasn't amendable to speaking,</p> <p>16 then how would Kathryn and Alex be amendable to</p> <p>17 speaking. And that just seemed like a dead end.</p> <p>18 Q The Columbia report, lower on that page,</p> <p>19 goes on --</p> <p>20 A And, I'm sorry, can I just add one more</p> <p>21 thing?</p> <p>22 I actually completely disagree with their</p> <p>23 characterization that, in hindsight, the most</p> <p>24 consequential decision was to accept that I hadn't</p> <p>25 contacted the three friends.</p> <p style="text-align: right;">[Page 276]</p>
<p>1 path, if taken, would have almost certainly led</p> <p>2 the magazine's editors to change plans. Erdely</p> <p>3 said that, as she was preparing to write her first</p> <p>4 draft, she talked with Woods about the three</p> <p>5 friends. Quote, Sean advised me that, for now, we</p> <p>6 should just put this aside, she said. He actually</p> <p>7 suggested that I change their names for now.</p> <p>8 Woods said that he intended this decision to be</p> <p>9 temporary pending further reporting and review."</p> <p>10 Did Columbia quote you correctly in that</p> <p>11 second paragraph I just read?</p> <p>12 A Yes, I believe so.</p> <p>13 Q Did Mr. Woods ever raise the issue of</p> <p>14 reaching out to the three friends again after he</p> <p>15 advised you that, for now, we should just put this</p> <p>16 aside?</p> <p>17 A I remember discussing it, and it often</p> <p>18 just coming back to the idea that, if Ryan wasn't</p> <p>19 willing to talk, then how are we going to get</p> <p>20 anybody to talk? So -- and we had multiple</p> <p>21 discussions about that.</p> <p>22 THE WITNESS: What's up?</p> <p>23 MR. CHEW: Excuse me, I think this is</p> <p>24 broken again.</p> <p>25 MS. LOCKE: Can we go off the record if</p> <p style="text-align: right;">[Page 275]</p>	<p>1 I do -- I mean, in retrospect, of course,</p> <p>2 I wish I had done a lot of things differently, and</p> <p>3 contacting the three friends is certainly</p> <p>4 something I wish I had done.</p> <p>5 But they're writing this with, with, with</p> <p>6 hindsight 20/20. And there's no way to know, if I</p> <p>7 had actually contacted these three friends, how</p> <p>8 much information they would have given me.</p> <p>9 Q The Columbia report goes on to quote you</p> <p>10 as saying, "In retrospect, I wish somebody had</p> <p>11 pushed me harder, end quote, about reaching out to</p> <p>12 the three friends for their versions, Erdely said.</p> <p>13 I guess maybe I was surprised that nobody said,</p> <p>14 Why haven't you called them? But nobody did, and</p> <p>15 I wasn't going to press that issue."</p> <p>16 Did Columbia quote you correctly there?</p> <p>17 A They did.</p> <p>18 Q I want to direct your attention to 557.</p> <p>19 Third paragraph down says, "As noted,</p> <p>20 there was no such explicit compact between Erdely</p> <p>21 and Jackie, according to Erdely's records. Jackie</p> <p>22 requested Erdely not to contact the lifeguard, but</p> <p>23 there was no agreement."</p> <p>24 Is that an accurate statement, that there</p> <p>25 was no agreement between you and Jackie not to</p> <p style="text-align: right;">[Page 277]</p>

[70] (Pages 274 to 277)

<p>1 contact Drew?</p> <p>2 A Well, at the very end, we did agree that I</p> <p>3 was not going to contact -- that I was not going</p> <p>4 to contact Drew.</p> <p>5 Q But, at some point, Jackie suggested that</p> <p>6 you go to Phi Psi and get a list of fraternity</p> <p>7 brothers in order to verify Drew [REDACTED] identity,</p> <p>8 correct?</p> <p>9 A Correct, correct. And I did -- I did as</p> <p>10 much as I could think to do to try to find</p> <p>11 somebody named [REDACTED] who worked at the pool and who</p> <p>12 was a member of Phi Psi.</p> <p>13 So, I remember, first of all, looking</p> <p>14 through social media. I remember pulling up --</p> <p>15 there were, on the Phi Psi alumni website, there</p> <p>16 were old newsletters to alumni, that some of the</p> <p>17 listed -- I think most of them listed pledge</p> <p>18 classes. And I looked through each one to see if</p> <p>19 any of them had pledges that had names that began</p> <p>20 with the letter [REDACTED].</p> <p>21 Unfortunately, it was an incomplete list</p> <p>22 of pledge years and the years that I needed the</p> <p>23 most were missing.</p> <p>24 I also looked up -- I went to their</p> <p>25 aquatic center website and looked up anything</p> <p style="text-align: right;">[Page 278]</p>	<p>1 run the statement tomorrow. In fact, we're going</p> <p>2 to have to run a retraction. I just got off the</p> <p>3 phone with Jackie and her friend Alex. Neither I,</p> <p>4 nor Alex, find Jackie credible any longer."</p> <p>5 Did you write those words?</p> <p>6 A Yes.</p> <p>7 Q And you communicated to Mr. Woods, and to</p> <p>8 Mr. Dana, that, that Jackie's explanation for not</p> <p>9 going forward with the police investigation was</p> <p>10 lacking, correct?</p> <p>11 A Yes.</p> <p>12 Q And you communicated to Mr. Woods and to</p> <p>13 Mr. Dana that, by the time you were done speaking</p> <p>14 with Jackie, that you were nearly certain that</p> <p>15 Jackie was not being truthful, correct?</p> <p>16 A Yes.</p> <p>17 Q And that Jackie's friends could not</p> <p>18 identify Jackie's attacker, correct?</p> <p>19 A Correct.</p> <p>20 Q And that Phi Psi was going to issue a</p> <p>21 statement denying there was a party and that there</p> <p>22 was no brother named [REDACTED] in the house, correct?</p> <p>23 A Correct.</p> <p>24 Q And you end the e-mail in the same way you</p> <p>25 begin it by telling Mr. Woods and Mr. Dana that</p> <p style="text-align: right;">[Page 280]</p>
<p>1 having to do with lifeguards, any mention of</p> <p>2 lifeguards. There was a blog that was run by a</p> <p>3 lifeguard.</p> <p>4 I looked up their swim team rosters</p> <p>5 thinking that, perhaps, a member of the swim team</p> <p>6 would have been a lifeguard, looking for anybody</p> <p>7 whose name started with "J." But all of those</p> <p>8 efforts were unsuccessful.</p> <p>9 Q You think you did all you could to</p> <p>10 identify [REDACTED]</p> <p>11 A I do.</p> <p>12 Q I'm going to hand you what's been marked</p> <p>13 as Plaintiff's Exhibit 88.</p> <p>14 (E-mail from Sabrina Rubin</p> <p>15 Erdely to Will Dana dated</p> <p>16 December 5, 2014 Bates stamped</p> <p>17 RS020282 through 283 was</p> <p>18 referenced as Plaintiff's</p> <p>19 Exhibit 88.)</p> <p>20 Q Plaintiff's Exhibit 88 is an e-mail</p> <p>21 exchange between you, Will Dana, and Sean Woods,</p> <p>22 correct?</p> <p>23 A Yes.</p> <p>24 Q On December 5th, at 1:54 a.m., you wrote</p> <p>25 Mr. Dana and Mr. Woods an e-mail that, "We can't</p> <p style="text-align: right;">[Page 279]</p>	<p>1 Rolling Stone has to issue a retraction, correct?</p> <p>2 A Correct.</p> <p>3 Q Mr. Dana responds that, "I think we have</p> <p>4 to write something along the lines of how we</p> <p>5 screwed up." And you agree with that, correct?</p> <p>6 A Correct.</p> <p>7 Q And you were concerned about publishing</p> <p>8 the response before The Washington Post published</p> <p>9 an article, or else it will look like The Post</p> <p>10 shamed us into it, correct?</p> <p>11 A I wanted it to be clear that -- I came to</p> <p>12 this conclusion about Jackie on my own, and I</p> <p>13 wanted to do the right thing by admitting it</p> <p>14 ourselves. So, it was important to me that we</p> <p>15 move as fast as possible.</p> <p>16 Q But Rolling Stone didn't take the article</p> <p>17 off the website that day, did they?</p> <p>18 MS. McNAMARA: Objection.</p> <p>19 A They didn't take the website -- I mean,</p> <p>20 they didn't take it off the website, but my</p> <p>21 understanding was that they effectively retracted</p> <p>22 it that day.</p> <p>23 Q What's your basis for your understanding</p> <p>24 that Rolling Stone effectively retracted the</p> <p>25 article on December 5th?</p> <p style="text-align: right;">[Page 281]</p>

[71] (Pages 278 to 281)

<p>1 A Well, they issued a statement. And I</p> <p>2 can't remember the wording exactly, but it was</p> <p>3 about the fact that we had -- do you have the</p> <p>4 wording of the statement?</p> <p>5 Q Not in front of me.</p> <p>6 A We were basically disavowing anything that</p> <p>7 Jackie had told us.</p> <p>8 Q And as part of that statement, were you</p> <p>9 disavowing the portrayal of Dean Eramo?</p> <p>10 A No, only the things that Jackie told us.</p> <p>11 Q Rolling Stone stood by its portrayal of</p> <p>12 Dean Eramo, correct?</p> <p>13 MS. McNAMARA: Objection. Except to the</p> <p>14 extent that it came from Jackie, as she just</p> <p>15 testified.</p> <p>16 Q You can answer.</p> <p>17 A Anything that came only from Jackie was</p> <p>18 disavowed. So anything -- any portrayal of Dean</p> <p>19 Eramo that came only from Jackie, we disavowed.</p> <p>20 Q Part of the criticism of the article was</p> <p>21 it was unclear what came from Jackie and what</p> <p>22 didn't come from Jackie; is that fair?</p> <p>23 A Yes, that is fair. When we wrote it, we</p> <p>24 thought that it was clear, but that turned out not</p> <p>25 to be the case.</p> <p style="text-align: right;">[Page 282]</p>	<p>1 through 7822 was referenced as</p> <p>2 Plaintiff's Exhibit 517.)</p> <p>3 Q This is an e-mail exchange between you and</p> <p>4 several other individuals, including Chris Lisi,</p> <p>5 Melissa Bruno, and Tracy Sefl.</p> <p>6 And, in particular, I want to direct your</p> <p>7 attention to the second page 817 on December 5th</p> <p>8 at 8:44, you write that you agree about a mea</p> <p>9 culpa. "Taylor Shapiro from The Washington Post</p> <p>10 e-mailed me at 3:00 a.m. wanting an interview this</p> <p>11 morning for the story he's been doing on the</p> <p>12 allegations on Jackie. He's already interviewed</p> <p>13 her from twice, which I know from Jackie, as well.</p> <p>14 It's important that our mea culpa go to press</p> <p>15 before they publish it so it doesn't look like we</p> <p>16 were shamed into it. Melissa, could you hold</p> <p>17 Taylor off? Ask him about his deadline. Delay</p> <p>18 him as much as possible. Maybe I'll tell him I'd</p> <p>19 like to talk, though I'm not sure that I do, but</p> <p>20 that I'm super busy today."</p> <p>21 Did you write those words?</p> <p>22 A Yes.</p> <p>23 MS. McNAMARA: It says, "Maybe tell him,"</p> <p>24 not that I'll tell him.</p> <p>25 MS. LOCKE: "Maybe tell him."</p> <p style="text-align: right;">[Page 284]</p>
<p>1 Q Who was involved in the decision to</p> <p>2 effectively retract the article?</p> <p>3 A I don't know-- actually, I'm sorry, can I</p> <p>4 amend that? I think I do know.</p> <p>5 In the discussions that I was involved in,</p> <p>6 in the beginning, in terms of retracting the</p> <p>7 article, I did have a discussion with Sean, Will,</p> <p>8 and Jann.</p> <p>9 Q And what were Sean, Will's, and Jann's</p> <p>10 respective positions about whether the article</p> <p>11 should have been retracted?</p> <p>12 A They were extremely concerned about my</p> <p>13 level of concern. And both Will and Sean</p> <p>14 immediately took me at my word. Jann needed some</p> <p>15 more convincing.</p> <p>16 But, but, as I said -- but, even before we</p> <p>17 had that conversation -- I mean, that's -- before</p> <p>18 we ever had that conversation, the -- the</p> <p>19 statement had already gone out on the website</p> <p>20 retracting the rejected portion of the article.</p> <p>21 Q I'm going to hand you what's been marked</p> <p>22 as Plaintiff's Exhibit 517.</p> <p>23 (E-mail from Chris Lisi to</p> <p>24 Melissa Bruno dated December 5,</p> <p>25 2014 Bates stamped RS007816</p> <p style="text-align: right;">[Page 283]</p>	<p>1 Q I'm going to hand you what's been marked</p> <p>2 as Plaintiff's Exhibit 518, and you can keep 517</p> <p>3 in front of you.</p> <p>4 (E-mail from Melissa Bruno to</p> <p>5 Taylor Shapiro dated December 5,</p> <p>6 2014 Bates stamped RS007825</p> <p>7 through 7828 was referenced as</p> <p>8 Plaintiff's Exhibit 518.)</p> <p>9 Q Plaintiff's Exhibit 518 on the second --</p> <p>10 I'm sorry, the third page ending in 827, is</p> <p>11 Mr. Shapiro's e-mail to you at 3:00 that morning.</p> <p>12 Do you see that?</p> <p>13 A Yes.</p> <p>14 Q And you respond, on 826, Bates 826, at</p> <p>15 8:48, just four minutes after the e-mail you sent</p> <p>16 on Plaintiff's Exhibit 517.</p> <p>17 "Hi, Taylor. Thanks for reaching out.</p> <p>18 I'd actually like to speak with you for your</p> <p>19 story. What's your deadline? My morning is</p> <p>20 crazy, so far, for the moment. I'm connecting you</p> <p>21 with Melissa Bruno, Rolling Stone's publicity</p> <p>22 director, CC'd here, who is handling my schedule."</p> <p>23 Did you type those words to Mr. Shapiro?</p> <p>24 A I did.</p> <p>25 Q Why did you tell Mr. Shapiro that you were</p> <p style="text-align: right;">[Page 285]</p>

[72] (Pages 282 to 285)

<p>1 interested in speaking with him when earlier you 2 communicated to your internal PR team that you 3 didn't want to speak to him? 4 MR. CHEW: Objection to form. That 5 misstates her testimony. 6 A Yeah, I did not actually -- you actually 7 just read into the record that I'm not sure that I 8 want to talk to him, but I was considering 9 speaking with him. It seemed like, perhaps, that 10 might be an option for us to get the word out 11 about what had just happened. 12 Q You don't communicate to Mr. Shapiro your 13 reservations about speaking with him, you say to 14 him, "I'd actually like to speak with you for your 15 story," don't you? 16 MS. McNAMARA: Objection. 17 Mischaracterization. 18 A I didn't know what the plan was going to 19 be. This was all -- it's hard to describe the 20 kind of shock that I was in. 21 Having discovered, in the early morning 22 hours, that the person who I had absolutely 23 believed and trusted, had, for whatever reason, 24 turned out to not be credible. And I didn't know 25 whether what we had published was truthful or not.</p> <p style="text-align: right;">[Page 286]</p>	<p>1 Q Is that correct? 2 MS. McNAMARA: Same objection. 3 A I expressed to him my willingness to speak 4 with him. Even though I was feeling ambivalent, 5 but I told him that I would like to speak with 6 him. 7 Q I'm handing you what's been marked as 8 Plaintiff's Exhibit 399. 9 (Draft document Bates stamped 10 RS002176 through 2179 was marked 11 as Plaintiff's Exhibit 399.) 12 Q Plaintiff's Exhibit 399 appears to be a 13 draft of your mea culpa; is that correct? 14 MS. McNAMARA: Objection. Well, you can 15 answer. 16 A Yeah, it's -- I wouldn't call it a mea 17 culpa. It's, it's an explanation for -- this was 18 going to be our explanation for -- of what 19 happened. 20 Q But it's something that you wrote and that 21 Mr. Woods was commenting on, correct? 22 A Correct. And it was -- if I could just 23 add one thing. 24 It was a total 180-degree turn from what I 25 had been writing the night before. The reason why</p> <p style="text-align: right;">[Page 288]</p>
<p>1 It was the most devastating moment of my entire 2 career. 3 And having never been anywhere near it 4 before, I did not know how to handle it. What I 5 did know is, I moved on it immediately. I 6 e-mailed my editors, we talked about it first 7 thing in the morning, and we tried to figure out 8 how to get on top of it in a way to get the truth 9 out. 10 So, at this point, at -- what time is it 11 in the morning? 8:30 in the morning, or what have 12 you, 8:40 in the morning, we're weighing lots of 13 options. We're weighing me suddenly writing a -- 14 some kind of mea culpa, or as people put it, as 15 how I screwed up, how we screwed up. I'm 16 weighing, maybe I should talk to this reporter who 17 is reporting on this already and is already 18 well-informed about what's going on. 19 I'm not making these decisions alone. I'm 20 waiting for everyone to come together and decide. 21 Q But you communicated to Mr. Shapiro that 22 you would actually like to speak with him, 23 correct? 24 MS. McNAMARA: Objection. 25 Mischaracterization in context.</p> <p style="text-align: right;">[Page 287]</p>	<p>1 I was awake to get that distressing call -- to 2 have that distressing call with Jackie in the 3 first place is because I had been drafting a very 4 spirited defense of the article right up until the 5 moment that I got that call from Jackie. 6 So, to be writing this so shortly 7 afterwards was, was just stunning. 8 Q I want to direct your attention to the 9 first page of Plaintiff's Exhibit 399. In the 10 middle paragraph, you say, "I chose the case not 11 only because of the extreme nature of what she 12 said had happened to her, but because of my 13 amazement that the administration never appeared 14 to have pursued her claims seriously. Her case 15 seemed to get to the very heart of the larger 16 story I sought to tell." 17 Were you sincere when you wrote those 18 words? 19 A Was I sincere? 20 Q Were you making that up, or were you being 21 sincere when you wrote those words? 22 A I don't make anything up. 23 Q Were you being sincere, then, when you 24 wrote those words? Did you believe that statement 25 when you wrote it?</p> <p style="text-align: right;">[Page 289]</p>

[73] (Pages 286 to 289)

<p>1 A I believe that statement, yes.</p> <p>2 Q I'm going to direct your attention to the</p> <p>3 next page, 177.</p> <p>4 MS. McNAMARA: Can we put this document in</p> <p>5 context because I think the way it's being</p> <p>6 testified to -- and I don't want it to be</p> <p>7 false -- that this was not written on</p> <p>8 December 5th.</p> <p>9 THE WITNESS: Right.</p> <p>10 Q When was this document written?</p> <p>11 A Sometime in the next -- sometime the</p> <p>12 following week. Can I think?</p> <p>13 The following Wednesday. I don't know</p> <p>14 what date that would be.</p> <p>15 Q On the next page, on Bates 177, it says --</p> <p>16 you write, at the top of the page, "During the</p> <p>17 course of the reporting, I became aware of three</p> <p>18 other friends Jackie had told of her assault on</p> <p>19 the night of the incident, whose reactions she had</p> <p>20 found troublesome and painful. She said she would</p> <p>21 contact one of them to see if he would talk to me.</p> <p>22 The other two, she did not, saying that they had a</p> <p>23 falling out following Jackie's sense of betrayal."</p> <p>24 And I'm skipping Mr. Woods' comments. "And she</p> <p>25 would not give me their last names."</p> <p style="text-align: right;">[Page 290]</p>	<p>1 the record to do work. If you want her to look</p> <p>2 at that and you feel it's important --</p> <p>3 MS. LOCKE: Let's go off the record,</p> <p>4 please.</p> <p>5 MR. CHEW: Keep it on the record.</p> <p>6 THE VIDEOGRAPHER: Go off the record. The</p> <p>7 time is 5:50 p.m.</p> <p>8 (Recess taken.)</p> <p>9 THE VIDEOGRAPHER: Go back on the record.</p> <p>10 The time is 6:00 p.m.</p> <p>11 Q Ms. Erdely, before we left, I asked you</p> <p>12 whether you had Kathryn Hendley's name within one</p> <p>13 vowel and that you had Kathryn "Hindley,"</p> <p>14 H-I-N-D-L-E-Y, correct?</p> <p>15 A Correct.</p> <p>16 Q And so, in Plaintiff's Exhibit 399, you</p> <p>17 said, "I fished for those names from others in the</p> <p>18 close-net community, but no one would disclose</p> <p>19 them."</p> <p>20 But it's fair to say that Ms. Soltis</p> <p>21 actually disclosed to you Ms. Hendley's last name</p> <p>22 within one vowel, correct?</p> <p>23 A Where is this document? Sorry.</p> <p>24 MS. McNAMARA: 399, you're asking about?</p> <p>25 MS. LOCKE: 399.</p> <p style="text-align: right;">[Page 292]</p>
<p>1 Why didn't you explain here, in writing,</p> <p>2 that you had Kathryn Hendley's last name?</p> <p>3 MS. McNAMARA: Objection.</p> <p>4 Mischaracterization of the evidence.</p> <p>5 A I did not have Kathryn Hendley's last</p> <p>6 name.</p> <p>7 Q You had a version of Kathryn Hendley's</p> <p>8 last name, correct?</p> <p>9 A I had a guess as to what her last name</p> <p>10 was, but I did not have her last name.</p> <p>11 Q It's fair to say you had her last name</p> <p>12 within one vowel, correct?</p> <p>13 MS. McNAMARA: Objection.</p> <p>14 Mischaracterization of the evidence.</p> <p>15 A I did not have her last name.</p> <p>16 Q You had "Hindley," is that correct,</p> <p>17 H-I-N-D-L-E-Y?</p> <p>18 MS. McNAMARA: Objection.</p> <p>19 Mischaracterization of the evidence.</p> <p>20 A I would have to go back to the notes to</p> <p>21 see.</p> <p>22 Q Okay. Would you like to do that?</p> <p>23 A I would.</p> <p>24 MS. LOCKE: Why don't we take a break.</p> <p>25 MS. McNAMARA: We're not going to go off</p> <p style="text-align: right;">[Page 291]</p>	<p>1 A Did it disappear?</p> <p>2 Q It may be under the reporting file.</p> <p>3 A No.</p> <p>4 MS. McNAMARA: Do you want to use mine</p> <p>5 (handing)?</p> <p>6 Q The top of page 177, you write, "I fished</p> <p>7 for those names from others in the close-net</p> <p>8 community, but no one would disclose them."</p> <p>9 It's fair to say that Rachel Soltis</p> <p>10 provided you Kathryn Hendley's last name within</p> <p>11 one vowel of the actual spelling, correct?</p> <p>12 A I was not aware of that at the time. If</p> <p>13 you see in the transcript here -- first of all,</p> <p>14 this is my phonetic spelling of what she had said.</p> <p>15 I, I didn't know what her -- I was misspelling her</p> <p>16 first name. And I wasn't really aware that I had</p> <p>17 this name at this point in time. I mean, this was</p> <p>18 well after I had written the article.</p> <p>19 As you can see, I didn't bold it, so I'm</p> <p>20 not even sure that, in hindsight, I was aware of</p> <p>21 what I had. After this whole article came --</p> <p>22 after this whole article fell apart and Will Dana</p> <p>23 was reading my transcript, he actually came across</p> <p>24 this and had to remind me that I had this</p> <p>25 information.</p> <p style="text-align: right;">[Page 293]</p>

[74] (Pages 290 to 293)

<p>1 So, when I was writing this document, it</p> <p>2 was not foremost on my mind that Rachel Soltis had</p> <p>3 given me an approximation of Kathryn's name.</p> <p>4 Q Being an experienced journalist, fair to</p> <p>5 say that you think you probably could have found</p> <p>6 Kathryn Hendley with the version of the name that</p> <p>7 you had?</p> <p>8 A It's possible that I could have found her.</p> <p>9 But finding her, and her talking to me, would have</p> <p>10 been two separate issues.</p> <p>11 Q I'd like to direct your attention to the</p> <p>12 next page, 178. About two-thirds of the way down,</p> <p>13 you write, "A reader may ask, and I ask myself at</p> <p>14 the time, if it was wise to build the opening of a</p> <p>15 story around someone who seemed so emotionally</p> <p>16 fragile."</p> <p>17 Did you, in fact, ask yourself, at the</p> <p>18 time before publication, whether it was wise to</p> <p>19 build the opening of a story around someone who</p> <p>20 seemed so emotionally fragile?</p> <p>21 A Sure. I had times -- when she</p> <p>22 disappeared, I had times when I wondered whether</p> <p>23 she was strong enough to handle the, the duress it</p> <p>24 would put her under to tell her story and then to</p> <p>25 go public with the story.</p> <p style="text-align: right;">[Page 294]</p>	<p>1 was referenced as Plaintiff's</p> <p>2 Exhibit 165.)</p> <p>3 Q Plaintiff's Exhibit 165 is an e-mail that</p> <p>4 Alex Pinkleton sent to you on the morning of</p> <p>5 December 5th, correct?</p> <p>6 A Correct.</p> <p>7 Q And it's Alex Stock and Kathryn Hendley's</p> <p>8 Facebook -- links to their Facebook profiles; is</p> <p>9 that correct?</p> <p>10 A Yes. I had asked her -- yes.</p> <p>11 Q Did you communicate to Mr. Woods or</p> <p>12 Mr. Dana on December 5th, or even the day after,</p> <p>13 that you had, in fact, Alex Stock's and Kathryn</p> <p>14 Hendley's Facebook profiles and knew who these</p> <p>15 three friends were?</p> <p>16 A First of all, just to give this some</p> <p>17 context, when I was on the phone with Alex at, you</p> <p>18 know, 1:30 in the morning that day, after I talked</p> <p>19 to Jackie, I said to her, "Will you finally now</p> <p>20 give me the information for those other friends?"</p> <p>21 And she said, she said, "Yes." So that is the</p> <p>22 reason why she sent me these, these names.</p> <p>23 Q Did you communicate that you had those</p> <p>24 names to Mr. Woods or Mr. Dana?</p> <p>25 A We contacted them the following week. I</p> <p style="text-align: right;">[Page 296]</p>
<p>1 But, ultimately, I felt, and she agreed,</p> <p>2 that she was, she was strong enough for it.</p> <p>3 Q The last paragraph of this document, on</p> <p>4 179, begins "The Washington Post sent a team."</p> <p>5 You write, "Obviously we regret any factual errors</p> <p>6 in the story, and we'll make every effort to</p> <p>7 correct the record. But Rolling Stone believes</p> <p>8 the essential point of Jackie's narrative is, in</p> <p>9 fact, true. A young woman suffered a horrific</p> <p>10 crime at a party and a prestigious university</p> <p>11 reacted with indifference to her claim."</p> <p>12 Do you believe that today, that the</p> <p>13 university acted with indifference to Jackie's</p> <p>14 claim?</p> <p>15 A I believe what I believed then, which is</p> <p>16 that I was, and still, am surprised that a woman</p> <p>17 who reported a gang rape and, in fact, multiple</p> <p>18 gang rapes, did not trigger some kind of process</p> <p>19 that ended with a campus-wide warning.</p> <p>20 Q I'm going to hand you what's been marked</p> <p>21 as Plaintiff's Exhibit 165.</p> <p>22 (E-mail from Alexandria</p> <p>23 Pinkleton to Sabrina Rubin</p> <p>24 Erdely dated December 5, 2014</p> <p>25 Bates stamped Pinkleton-01167</p> <p style="text-align: right;">[Page 295]</p>	<p>1 don't recall.</p> <p>2 Q I'm going to hand you what's been marked</p> <p>3 as Plaintiff's Exhibit 362.</p> <p>4 (E-mail from Sean Woods to</p> <p>5 Sabrina Rubin Erdely dated</p> <p>6 December 11, 2014 Bates stamped</p> <p>7 RS002973 was referenced as</p> <p>8 Plaintiff's Exhibit 362.)</p> <p>9 Q Plaintiff's Exhibit 362 is an e-mail</p> <p>10 exchange between you, Mr. Woods, and, in part,</p> <p>11 Ms. Garber-Paul, where Mr. Woods sends</p> <p>12 Ms. Garber-Paul an ABC News web link. And then,</p> <p>13 approximately three minutes later, Ms. Garber-Paul</p> <p>14 forwards to Mr. Woods e-mail addresses for Kathryn</p> <p>15 Hendley and Alex Stock.</p> <p>16 Do you see that?</p> <p>17 A Oh, yes. And, actually, this reminds me,</p> <p>18 if I can clarify something that I said earlier.</p> <p>19 The day that I was drafting this, this</p> <p>20 piece (indicating), I don't believe that it had</p> <p>21 actually come out who Kathryn and Alex were in</p> <p>22 public.</p> <p>23 Anyway, so, go on, what was your question,</p> <p>24 I'm sorry?</p> <p>25 Q Ms. Garber-Paul sends to Mr. Woods the</p> <p style="text-align: right;">[Page 297]</p>

[75] (Pages 294 to 297)

<p>1 e-mail addresses for Kathryn and Alex, correct?</p> <p>2 A Yes.</p> <p>3 Q And Mr. Woods then forwards those e-mail</p> <p>4 addresses to you; is that correct?</p> <p>5 A Yes.</p> <p>6 Q This suggests to me that Mr. Woods did not</p> <p>7 know that you had already had Kathryn and Alex's</p> <p>8 Facebook profiles and that you knew who they were.</p> <p>9 Does that suggest that to you?</p> <p>10 MR. CHEW: Objection to the form of the</p> <p>11 question.</p> <p>12 A It doesn't suggest that to me. There had</p> <p>13 been no discussion before this week about reaching</p> <p>14 out to people.</p> <p>15 I mean, on the day that Alex sent me that</p> <p>16 information, we had been talking about what to do</p> <p>17 with the retraction. We had not yet moved on to,</p> <p>18 sort of, re-reporting, as it were, and clarifying</p> <p>19 what had happened.</p> <p>20 So, I don't believe that this is any</p> <p>21 indication that he didn't know that I had the</p> <p>22 names. I think that this was just the beginning</p> <p>23 of our kind of reinvestigation.</p> <p>24 Q I'm going to hand you what's been marked</p> <p>25 as Plaintiff's Exhibit 261.</p> <p style="text-align: right;">[Page 298]</p>	<p>1 know that I was really shaken by that, by that</p> <p>2 interview. And then I, I told him -- he was busy</p> <p>3 with something, finals or something, and I told</p> <p>4 him that we would follow up the following week.</p> <p>5 Q Did you ask Mr. Duffin, in that first</p> <p>6 conversation, whether he believed Ms. [REDACTED] had</p> <p>7 actually been assaulted that night?</p> <p>8 A I don't remember if we discussed it in</p> <p>9 that conversation.</p> <p>10 Q Did you have multiple conversations with</p> <p>11 Mr. Duffin?</p> <p>12 A Yes.</p> <p>13 Q Tell me about the second conversation that</p> <p>14 you had with Mr. Duffin.</p> <p>15 A It's hard to remember. He told me -- he</p> <p>16 told me that, that Jackie had had a crush on him,</p> <p>17 and that I remember him telling me that he had --</p> <p>18 she had sprung for these really expensive concert</p> <p>19 tickets for his favorite band, which I actually</p> <p>20 remember her telling me was her favorite band.</p> <p>21 And then he told me that the night -- I</p> <p>22 remember him telling me that the night of her</p> <p>23 alleged assault, that he had -- he had, in fact,</p> <p>24 met her. It wasn't in the place that she had</p> <p>25 described, and that the, the assault had been</p> <p style="text-align: right;">[Page 300]</p>
<p>1 (E-mail to Ryan Duffin from</p> <p>2 Sabrina Rubin Erdely Bates</p> <p>3 stamped Duffin-0171 was refenced</p> <p>4 as Plaintiff's Exhibit 261.)</p> <p>5 Q It's an e-mail -- appears to be an e-mail</p> <p>6 that you sent to, to Ryan Duffin; is that correct?</p> <p>7 A Yes.</p> <p>8 Q And you and Mr. Duffin ultimately spoke on</p> <p>9 the phone; is that correct?</p> <p>10 A We did.</p> <p>11 Q What did -- what did that conversation</p> <p>12 tell? Tell me everything that you remember.</p> <p>13 A Well, I asked Ryan -- I asked Ryan whether</p> <p>14 Jackie had asked him whether he wanted to</p> <p>15 participate with the article, and he said no. And</p> <p>16 I told him that she had told me that he -- she had</p> <p>17 seen him at a restaurant called Cookout, and he</p> <p>18 had put on this big rant about how he didn't want</p> <p>19 to be involved. And he said that he was -- he</p> <p>20 seemed really shocked. And he said that, in fact,</p> <p>21 the last time he had seen Jackie was at Cookout,</p> <p>22 but it had been sometime before that, and they'd</p> <p>23 only just exchanged some kind of friendly</p> <p>24 greeting. And we were -- we were both, I think,</p> <p>25 really shaken -- he sounded really shaken, and I</p> <p style="text-align: right;">[Page 299]</p>	<p>1 different from what she described. And that he</p> <p>2 didn't remember seeing blood on her.</p> <p>3 He also told me that -- I think -- I think</p> <p>4 he also shed some light on the fact that she and</p> <p>5 Kathryn had had a parting of the ways because</p> <p>6 Jackie had actually been very nasty to Kathryn.</p> <p>7 And I -- I'm having trouble remembering</p> <p>8 specifically what else.</p> <p>9 Q I'm going to hand you what's been marked</p> <p>10 as Plaintiff's Exhibit 266.</p> <p>11 (E-mail from Ryan Duffin to</p> <p>12 Sabrina Rubin Erdely dated</p> <p>13 December 14, 2014 Bates stamped</p> <p>14 RS017021 through 17027 was</p> <p>15 referenced as Plaintiff's</p> <p>16 Exhibit 266.)</p> <p>17 Q Before I do -- in any of those two</p> <p>18 conversations -- did you have any other</p> <p>19 conversations with Mr. Duffin?</p> <p>20 A He sent me some e-mails, I think. I think</p> <p>21 he sent me some e-mails with some stuff that I had</p> <p>22 asked him for. But that was -- I think that was</p> <p>23 it.</p> <p>24 Q During the two conversations, verbal</p> <p>25 conversations, that you had with Mr. Duffin, did</p> <p style="text-align: right;">[Page 301]</p>

[76] (Pages 298 to 301)

<p>1 he ever express any unwillingness to speak with</p> <p>2 you?</p> <p>3 A No.</p> <p>4 Q Is this an e-mail that Mr. Duffin</p> <p>5 forwarded you?</p> <p>6 A Yes.</p> <p>7 Q You can set that aside.</p> <p>8 Did you also speak with Kathryn Hendley?</p> <p>9 A Yes, I did.</p> <p>10 Q Tell me everything you remember about your</p> <p>11 conversation with Ms. Hendley.</p> <p>12 A Kathryn also recounted that she and Jackie</p> <p>13 had had a falling out because Jackie had spread</p> <p>14 some nasty rumors about her. And she said that</p> <p>15 she also confirmed what Ryan had said about seeing</p> <p>16 Jackie the night of her alleged assault in a</p> <p>17 different place than Jackie had told me. And --</p> <p>18 but that she wasn't allowed near the conversation.</p> <p>19 That Jackie had only wanted to talk to Ryan and</p> <p>20 Alex, and that she had asked that Kathryn stand</p> <p>21 back. And so, she wasn't able to hear what</p> <p>22 exactly was said.</p> <p>23 Q Is that all you remember about the</p> <p>24 conversation with Ms. Hendley?</p> <p>25 A I remember she also said that they lived</p> <p style="text-align: right;">[Page 302]</p>	<p>1 happened that night? They all had the same</p> <p>2 answer, which was, "I don't know, but something</p> <p>3 happened to her. Like, I don't know what happened</p> <p>4 to her, but something happened to her that night."</p> <p>5 Q You refer to the Haven Monahan thing, and</p> <p>6 by that, are you -- do you mean that Jackie had</p> <p>7 accused a person by the name of Haven Monahan as</p> <p>8 the individual who orchestrated a rape?</p> <p>9 A Oh, no, no. I'm referring to -- maybe I'm</p> <p>10 getting it confused. That Ryan had sent me some,</p> <p>11 like, text correspondence between some supposed</p> <p>12 person in her class named Haven who was in love</p> <p>13 with her, but who he now suspected was actually</p> <p>14 Jackie.</p> <p>15 Q Did Ryan communicate, or any of the three</p> <p>16 friends, communicate to you that Jackie had told</p> <p>17 them that Haven Monahan was the handsome guy who</p> <p>18 took her out on the date that orchestrated a rape?</p> <p>19 A I believe that they said that, that she</p> <p>20 had said that that was the person she was on a</p> <p>21 date with that night.</p> <p>22 You know, I'm sorry, I don't want to, I</p> <p>23 don't want to, I don't want to guess. It's been</p> <p>24 so long since I had those conversations. I</p> <p>25 actually can't remember.</p> <p style="text-align: right;">[Page 304]</p>
<p>1 across the hall from each other the following</p> <p>2 year. But that they didn't -- they basically</p> <p>3 didn't speak.</p> <p>4 Q Anything else?</p> <p>5 A I, I know we talked about other things,</p> <p>6 but I'm just having trouble remembering right now.</p> <p>7 Q Did you also speak with Mr. Stock?</p> <p>8 A I did.</p> <p>9 Q Tell me everything you remember about your</p> <p>10 conversation with Mr. Stock.</p> <p>11 A It was much like the conversation I had --</p> <p>12 the conversations with Kathryn and Ryan. He told</p> <p>13 me that Jackie had spread nasty rumors about</p> <p>14 Kathryn, that that was part of the reason for</p> <p>15 their falling out. That Jackie had been in love</p> <p>16 with Ryan.</p> <p>17 He told me -- he confirmed, also -- I</p> <p>18 don't know if I mentioned that Ryan had told me</p> <p>19 about this Haven Monahan thing that Alex also</p> <p>20 talked about. And he said that he and Kathryn had</p> <p>21 started dating, I think for a little while. And</p> <p>22 that's all I remember.</p> <p>23 The one thing -- when I asked them, Do you</p> <p>24 think that she was -- do you think she was -- do</p> <p>25 you think she was raped? What do you think</p> <p style="text-align: right;">[Page 303]</p>	<p>1 Q I'm going to hand you what's been marked</p> <p>2 as Plaintiff's Exhibit 231.</p> <p>3 (E-mail from Sabrina Rubin</p> <p>4 Erdely dated December 15, 2014</p> <p>5 Bates stamped RS019722 was</p> <p>6 referenced as Plaintiff's</p> <p>7 Exhibit 231.)</p> <p>8 Q Plaintiff's Exhibit 231 is an e-mail you</p> <p>9 sent to a woman named Nicole that Alex Stock had</p> <p>10 suggested you contacting.</p> <p>11 Who was Nicole, and why did Mr. Stock</p> <p>12 suggest that you contact her?</p> <p>13 A I have no memory.</p> <p>14 Q I'm going to hand you what's been marked</p> <p>15 as Plaintiff's Exhibit 524.</p> <p>16 (E-mail from Gerrit [REDACTED] to</p> <p>17 Sabrina Rubin Erdely dated</p> <p>18 December 16, 2014 Bates stamped</p> <p>19 RS015176 was referenced as</p> <p>20 Plaintiff's Exhibit 524.)</p> <p>21 Q Plaintiff's Exhibit 524 is an e-mail that</p> <p>22 you sent to an individual named Gerrit [REDACTED]</p> <p>23 And Mr. [REDACTED] is someone, that you say in</p> <p>24 this e-mail, that Kathryn Hendley suggested that</p> <p>25 you get in touch with.</p> <p style="text-align: right;">[Page 305]</p>

[77] (Pages 302 to 305)

<p>1 Who is Gerrit [REDACTED] and why did 2 Ms. Hendley suggest that you get into touch with 3 him? 4 A It's safe to say that all of the people I 5 reached out to, were all people who could further 6 corroborate the things that Kathryn, Ryan, and 7 Alex were telling me. 8 I believe that this person was somebody 9 who had lived with them in their hall freshman 10 year. 11 Q And what was he had supposed to be 12 confirming for you? 13 A I'm pretty sure -- I think it had to do 14 with the rumors that, that Jackie was supposedly 15 spreading about Kathryn. 16 Q You can set that aside. 17 I'm going to hand you what's been marked 18 as Plaintiff's Exhibit 477. 19 (E-mail from Sabrina Rubin 20 Erdely to Jacqueline [REDACTED] on 21 December 17, 2014 Bates stamped 22 RS019639 through 19641 was 23 referenced as Plaintiff's 24 Exhibit 477.) 25 Q It's an e-mail that you send to</p> <p style="text-align: right;">[Page 306]</p>	<p>1 she would have answered them. 2 Q Do you think these are questions you 3 should have asked before Rolling Stone printed "A 4 Rape on Campus"? 5 MR. CHEW: Objection to the form of the 6 question. 7 A Again, these are all -- these are all 8 questions I would have liked to have asked. 9 Knowing now that Jackie is not always a truthful 10 person, I don't know whether the answers that she 11 would have given would have necessarily changed 12 the end result. 13 Q The next page in Plaintiff's Exhibit 377 14 [sic], ending in Bates 640, middle of the way 15 down, you ask Ms. [REDACTED] "You also told me all 16 of your friends have asked about the scars on your 17 back, but none of your friends, I've spoken with, 18 have ever seen scars on your back, including your 19 boyfriend, [REDACTED] Parenthesis, if you recall, he 20 said this when we were at dinner in September. 21 Can you give me an example of someone whose seen 22 them who I can talk to?" 23 Did you ask Ms. [REDACTED] that question? 24 A In this e-mail? 25 Q Yes.</p> <p style="text-align: right;">[Page 308]</p>
<p>1 Ms. [REDACTED] on December 17th? 2 A Yes. 3 Q And this is an e-mail where you have a 4 variety of questions for Ms. [REDACTED] correct? 5 A Yes. 6 Q And in this e-mail, you ask her, towards 7 the bottom of the first page of Plaintiff's 8 Exhibit 677, "Did you tell your friends the night 9 of September 28th that you'd been forced to 10 perform oral on a bunch of guys? Did you tell 11 that same account to your roommates a few months 12 later? Why did your story change? What happened 13 on the night of the 28th?" 14 Did you ask Ms. [REDACTED] those questions of 15 Ms. [REDACTED] on December 17th? 16 A I did. 17 Q You knew, at this time, that Ms. [REDACTED] 18 had told Rachel Soltis that she, Ms. [REDACTED] had 19 been forced to perform oral sex, correct? 20 A Yes. 21 Q Fair to say these are questions you should 22 have asked Jackie prepublication? 23 MS. McNAMARA: Objection. Hypothetical. 24 A If I had asked Jackie these questions 25 before publication, I don't know, I don't know how</p> <p style="text-align: right;">[Page 307]</p>	<p>1 A Yes. 2 Q And fair to say that you knew, 3 prepublication, that [REDACTED] had never seen scars 4 on Ms. [REDACTED] back, and he communicated that 5 information to you back in September? 6 A Right. At the time, as I mentioned, it 7 didn't bother me because I thought that Jackie was 8 very credible. After I discovered that Jackie was 9 not credible, then, anything that I had taken from 10 her alone, I had to question. So, that's what I 11 was doing. 12 Q A couple of more questions down, you 13 write, "They also sent me an e-mail from Haven to 14 Ryan sent on October 23, 2012, that included a 15 love letter to Ryan. Ryan says that you confessed 16 you had written the letter." 17 Is that an accurate statement, that Ryan 18 told you that Ms. [REDACTED] had confessed to writing 19 that letter? 20 MS. McNAMARA: You're talking about in the 21 conversations after publication? 22 MS. LOCKE: Yes. 23 A I don't -- sitting here, I don't recall 24 right now. But if I wrote it, then it must be 25 true.</p> <p style="text-align: right;">[Page 309]</p>

<p>1 Q And then the following three questions, 2 you say, "Did you really reach out to [REDACTED] on my 3 behalf? Did you really have the conversations 4 with her that you described to me about how she 5 and her sister declined to cooperate with the 6 article? Did you really reach out to [REDACTED] Is 7 there a [REDACTED] Did you really reach out to 8 [REDACTED] Is there a [REDACTED] 9 Are those questions that you were asking 10 Ms. [REDACTED] in this e-mail? 11 A Yes. 12 Q Fair to say that those are questions that 13 you should have asked before publication of "A 14 Rape on Campus"? 15 MS. McNAMARA: Objection. Speculation. 16 A I did, actually, ask her, did you reach 17 out to [REDACTED] and did you reach out to [REDACTED] 18 which is why she furnished me with those text 19 messages. 20 Q But you're asking that again because now 21 you doubt it? 22 A Yes. As I said, I'm doubting anything 23 that Jackie told me that was -- that was 24 unsubstantiated by an outside source. Now I need 25 to verify.</p> <p style="text-align: right;">[Page 310]</p>	<p>1 Q Sitting here today, do you think you made 2 any mistakes in your reporting on "A Rape on 3 Campus"? 4 A In hindsight, I would do a lot of things 5 differently. Starting with, I would either not 6 include Jackie in the story, or I would have 7 relegated her to a very small role. There are 8 plenty of people in the article who I could have 9 led the story with, or who could have made the 10 same point that I was trying to make with the 11 article. 12 Q I'm not asking, in hindsight, what you 13 would have done differently. 14 I'm asking, as you sit here today, can you 15 identify any mistake that you made in writing "A 16 Rape on Campus"? 17 MS. McNAMARA: Objection. That is calling 18 for hindsight, but you can answer to the best 19 you can. 20 A Are you asking me to list my mistakes? 21 Q Yes. 22 A Well, I would have, I would have called 23 everybody. And one thing I learned from this is, 24 if somebody's trying to tell you not to call 25 somebody, then you have to try twice as hard to</p> <p style="text-align: right;">[Page 312]</p>
<p>1 Q And in this e-mail, you're really 2 questioning whether there, in fact, is a [REDACTED] 3 [REDACTED] and [REDACTED] are you not? 4 A Yes. 5 Q Do you think you breached any obligation 6 you have as a journalist to confirm their 7 existence before publication? 8 MS. McNAMARA: Objection. 9 Mischaracterization of the evidence that's in 10 the record. 11 A I, I made many efforts to try to reach out 12 to people who I thought were rape victims who were 13 unwilling to share their stories. I -- knowing, 14 also, as I did, that the administration itself was 15 trying -- and I knew this through Emily Renda, 16 that the administration was trying to get these 17 same people to come out of the woodwork, that's 18 how reluctant they were to share their stories, 19 it's -- you know, it's very difficult to convince 20 people to share their stories if they're not 21 willing to share their stories, if they're not 22 even willing to share their names. 23 So, did I have an obligation to try every 24 means to get in touch with them? I felt that I 25 did.</p> <p style="text-align: right;">[Page 311]</p>	<p>1 call that person. 2 Q Any other mistakes? 3 A I'd say that about covers it. 4 Q I'm going to hand you what's been marked 5 as Plaintiff's Exhibit 526. 6 (E-mail from Steve Coll to 7 Sabrina Rubin Erdely dated 8 February 10, 2015 Bates stamped 9 RS017779 was referenced as 10 Plaintiff's Exhibit 526.) 11 Q Plaintiff's Exhibit 526 is an e-mail from 12 Steve Coll, at Columbia Journalism Review, to you 13 on February 10th, 2015. 14 Do you recognize this e-mail? 15 A Yes. 16 Q Mr. Coll says, I hope you're well -- "I 17 hope you're well. Derek mentioned his 18 conversation with you about our request. I can 19 readily understand your hesitations." 20 What was Columbia Journalism Review's 21 requests and your hesitation? 22 A They had asked to listen to any recordings 23 that I had so that they could compare it with my 24 notes and make sure it was accurate. And I told 25 them that I would be happy to give it to them, but</p> <p style="text-align: right;">[Page 313]</p>

[79] (Pages 310 to 313)

<p>1 I didn't want to send it over the internet because</p> <p>2 I was worried about security. So, we decided to</p> <p>3 come up with a way where we didn't have to, you</p> <p>4 know -- with a secure way for them to listen to</p> <p>5 it.</p> <p>6 Q Ms. Erdely, are you still employed by</p> <p>7 Rolling Stone?</p> <p>8 A I was never employed by Rolling Stone.</p> <p>9 Q Are you still a contributing editor for</p> <p>10 Rolling Stone?</p> <p>11 A [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 Q [REDACTED]</p> <p>15 A [REDACTED]</p> <p>16 Q [REDACTED]</p> <p>17 [REDACTED]?</p> <p>18 A [REDACTED]</p> <p>19 Q [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 A [REDACTED]</p> <p>22 Q [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 A [REDACTED]</p> <p>25 Q [REDACTED]</p> <p style="text-align: right;">[Page 314]</p>	<p>1 You know, I know what it's like to get</p> <p>2 death threats and to be disparaged online and to</p> <p>3 be afraid for your safety. And, you know, and I'm</p> <p>4 sorry that she suffered any of that.</p> <p>5 Q Tell me what it was like for you, after</p> <p>6 you received death threats.</p> <p>7 A Well, my family and I had to leave our</p> <p>8 home and we lived with friends for about a week,</p> <p>9 moving around until we felt comfortable coming</p> <p>10 back. There was a death threat that was made</p> <p>11 specifically against my children. And for a long</p> <p>12 time, I was very afraid for our safety.</p> <p>13 Q How did that make you feel?</p> <p>14 A I mean, I still don't feel safe.</p> <p>15 Q So, you can empathize with what Dean Eramo</p> <p>16 has been through; is that fair?</p> <p>17 A Absolutely.</p> <p>18 Q Do you think you've been harmed as a</p> <p>19 result of those death threats and your fear for</p> <p>20 your safety?</p> <p>21 A I feel like the death threats were only a</p> <p>22 part of it. I actually feel that -- it's hard to</p> <p>23 separate out what did the most damage.</p> <p>24 But, in totality, this was just the most</p> <p>25 devastating thing that's ever happened to me. The</p> <p style="text-align: right;">[Page 316]</p>
<p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 A [REDACTED]</p> <p>4 Q [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 A [REDACTED]</p> <p>9 Q Sitting here today, do you think you owe</p> <p>10 Dean Eramo an apology?</p> <p>11 MS. McNAMARA: Objection. Other than what</p> <p>12 she's already provided?</p> <p>13 A I mean, yes.</p> <p>14 Q Tell me why.</p> <p>15 A I feel very sorry that she suffered as a</p> <p>16 result of this article. I think that -- I</p> <p>17 actually don't think that it was an unflattering</p> <p>18 depiction of her, the depiction that she seems to</p> <p>19 think it is.</p> <p>20 But I am sorry that, that -- you know, I</p> <p>21 understand that she, she suffered as a result, and</p> <p>22 that was never my intention. My intention was to</p> <p>23 educate people, to do good. And I understand that</p> <p>24 she was -- she was hurt in various ways that, you</p> <p>25 know, that I experienced after the article.</p> <p style="text-align: right;">[Page 315]</p>	<p>1 combination of feeling so blind-sided by something</p> <p>2 that I felt so sure of, it, it led me to just have</p> <p>3 a crisis of confidence that was just magnified by</p> <p>4 the harassment that I got online, and the</p> <p>5 isolation that I felt. And the death threats just</p> <p>6 compounded that. It made me feel like I was just</p> <p>7 worthless.</p> <p>8 Q If I asked you to put a price tag on that</p> <p>9 damage, could you do so?</p> <p>10 MS. McNAMARA: And I object and I instruct</p> <p>11 her not to answer. That's an offensive</p> <p>12 question. She cannot put a price tag on</p> <p>13 something like that, and do not ask her to do</p> <p>14 that.</p> <p>15 A I'm actually really insulted that you</p> <p>16 would, like, elicit this kind of reaction from me</p> <p>17 and then ask me a question like that.</p> <p>18 I feel very embarrassed to be crying in</p> <p>19 front of you, and I don't appreciate you saying</p> <p>20 something like that.</p> <p>21 Q I'm going to ask the question, and I'm</p> <p>22 going to ask you to answer it, if you can put a</p> <p>23 price tag on how you felt and the damage that you</p> <p>24 suffered as a result.</p> <p>25 MS. McNAMARA: And I have the same</p> <p style="text-align: right;">[Page 317]</p>

<p>1 objection.</p> <p>2 MR. CHEW: It's also irrelevant. She</p> <p>3 doesn't have a counterclaim in this case.</p> <p>4 Q You can answer the question.</p> <p>5 MR. CHEW: How about a proffer of how her</p> <p>6 damages are relevant to you?</p> <p>7 MS. LOCKE: There is an argument in this</p> <p>8 case that my client hasn't put forward a</p> <p>9 calculation of damages. And I'm asking the</p> <p>10 witness, whose already testified that she</p> <p>11 sympathizes and has been damaged by the death</p> <p>12 threats and the feeling of lack of safety --</p> <p>13 MR. CHEW: She is not your client.</p> <p>14 MS. LOCKE: If she can put a price tag on</p> <p>15 that.</p> <p>16 And so I stand by my question.</p> <p>17 Q Can you --</p> <p>18 MR. CHEW: Have you asked her whether she</p> <p>19 can put a price tag on the damages to your</p> <p>20 client?</p> <p>21 You're asking about her. That's a</p> <p>22 completely different question.</p> <p>23 MS. LOCKE: And I'm entitled to ask it.</p> <p>24 Q Can you put a price tag on the damage that</p> <p>25 you felt?</p> <p style="text-align: right;">[Page 318]</p>	<p>1 THE VIDEOGRAPHER: Go off the record. The</p> <p>2 time is 6:36.</p> <p>3 (Recess taken.)</p> <p>4 THE VIDEOGRAPHER: Go back on the record.</p> <p>5 The time is 6:45.</p> <p>6 Q Ms. Erdely, when you spoke with Alex</p> <p>7 Stock, did Mr. Stock express any reservations or</p> <p>8 unwillingness to speak with you?</p> <p>9 A He took a while to get back to me. It was</p> <p>10 kind of hard to pin him down. So, there -- it</p> <p>11 seemed as though there was some initial</p> <p>12 reluctance, but we did eventually speak.</p> <p>13 Q When you actually spoke with him, did he</p> <p>14 tell you, in words or substance, that he was</p> <p>15 unwilling to talk to you?</p> <p>16 A At that time, no.</p> <p>17 Q The same question for Kathryn Hendley.</p> <p>18 When you spoke with Kathryn Hendley, did</p> <p>19 she express any unwillingness to speak with you?</p> <p>20 A No.</p> <p>21 Q After "A Rape on Campus," did you write</p> <p>22 any more articles for Rolling Stone?</p> <p>23 A Yes.</p> <p>24 Q What article, articles, did you write?</p> <p>25 A I wrote an article that was never</p> <p style="text-align: right;">[Page 320]</p>
<p>1 MR. CHEW: To who? To her or your client?</p> <p>2 A I'm not a lawyer, I'm not an accountant.</p> <p>3 I don't know how a person -- I'm not an actuary.</p> <p>4 I don't know how to calculate what the</p> <p>5 damages are to a person who feels this. All I</p> <p>6 know is that, I am not suing anyone, so I don't</p> <p>7 have to come up with that kind of calculation.</p> <p>8 Q But if you had to, would you be able to?</p> <p>9 MS. McNAMARA: Objection. That's been</p> <p>10 asked and answered.</p> <p>11 You're not going to harass the witness</p> <p>12 with this irrelevant question. She answered</p> <p>13 that question to the best of her ability and</p> <p>14 you have your answer.</p> <p>15 Q You can answer the question.</p> <p>16 MS. McNAMARA: No. This is a harassing</p> <p>17 question at this point. It's an irrelevant and</p> <p>18 harassing question, and I think the witness</p> <p>19 answered it to the best of her ability, and you</p> <p>20 can move on.</p> <p>21 Q You can answer the question.</p> <p>22 MS. McNAMARA: Do you have anything to add</p> <p>23 to your answer, Ms. Erdely?</p> <p>24 A The answer is, I don't know.</p> <p>25 MS. LOCKE: Let's take a break.</p> <p style="text-align: right;">[Page 319]</p>	<p>1 published.</p> <p>2 Q And what was the title of that article?</p> <p>3 A It didn't have a title, but it was about</p> <p>4 HIV.</p> <p>5 Q Do you know why it was never published?</p> <p>6 A No.</p> <p>7 Q Did you go through the full fact-checking</p> <p>8 and editing process for it?</p> <p>9 A It went through a round of editing, but it</p> <p>10 did not go through the, the production process.</p> <p>11 Q [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 A [REDACTED]</p> <p>14 MS. McNAMARA: [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 Q [REDACTED]</p> <p>20 A [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 Q [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p> <p style="text-align: right;">[Page 321]</p>

<p>1 [REDACTED] 2 MS. McNAMARA: Do you understand that? 3 A Yes. [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 Q [REDACTED] 8 [REDACTED] 9 A Yes. 10 Q How much is that? 11 A [REDACTED] 12 [REDACTED] 13 Q [REDACTED] 14 [REDACTED] 15 A Jason Fine. 16 Q And he is the current managing editor of 17 Rolling Stone; is that correct? 18 A Yes. 19 Q [REDACTED] 20 [REDACTED] 21 A [REDACTED]. 22 Q [REDACTED]? 23 A [REDACTED]. 24 Q [REDACTED]? 25 A [REDACTED]</p> <p style="text-align: right;">[Page 322]</p>	<p>1 answer that question because it would require 2 you to disclose attorney-client communications. 3 Q Separate and apart from any conversations 4 that you've had with any of your lawyers, as you 5 sit here today, are you contemplating litigation 6 against Rolling Stone? 7 MS. McNAMARA: And I share that objection. 8 I mean, I think that -- you can answer it, but 9 I don't -- you can say, but I don't think you 10 have any communications outside of counsel. 11 Isn't that correct? 12 MR. CHEW: That's correct. I would 13 instruct you not to answer on that basis. 14 Q Is that correct? 15 A I'm not going to answer that question. 16 Q Who are your lawyers here today, 17 Ms. Erdely? 18 A Liz McNamara, Ben Chew. 19 Q When did you retain Mr. Chew? 20 A In December of 2014. 21 THE WITNESS: Is that right? 22 Q And for what purpose is Mr. Chew retained? 23 MR. CHEW: I would instruct you not to 24 answer that question. 25 Q Mr. Chew represents you individually; is</p> <p style="text-align: right;">[Page 324]</p>
<p>1 [REDACTED] 2 [REDACTED]. 3 Q Is that it? 4 A Yes. 5 Q [REDACTED] 6 [REDACTED]? 7 A [REDACTED]. 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 Q [REDACTED] 12 [REDACTED] 13 [REDACTED]? 14 A [REDACTED] 15 [REDACTED]. 16 Q [REDACTED] 17 A [REDACTED] 18 Q [REDACTED]? 19 A [REDACTED] 20 [REDACTED] 21 Q [REDACTED] 22 A [REDACTED] 23 Q [REDACTED] 24 [REDACTED] 25 MR. CHEW: I would instruct you not to</p> <p style="text-align: right;">[Page 323]</p>	<p>1 that correct? 2 A Yes. 3 MS. LOCKE: At this point, I think I am 4 very close to out of time. 5 We're going to reserve our right to reopen 6 this deposition with additional questions. But 7 under the rules of -- the default rules, my 8 seven hours has run. But, but that's all I 9 have for right now. 10 MS. McNAMARA: Thank you. 11 And I'll say on the record, before we go 12 off, that I don't know what basis there would 13 be to reopen. But if, if -- if there is an 14 attempt to reopen it, and we don't think that 15 there is a legitimate basis, we would oppose 16 it. 17 MS. LOCKE: Fair enough. 18 I have -- I have hundreds more documents, 19 and a lot more questions that I could ask, and 20 I have more questions of this witness, but 21 given that my time is up, then I'm going to, 22 I'm going to end for, for now. 23 MR. CHEW: Thank you. 24 THE VIDEOGRAPHER: That concludes today's 25 deposition.</p> <p style="text-align: right;">[Page 325]</p>

<p>1 The time is 6:51. 2 (Time adjourned 6:51 p.m.) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">[Page 326]</p>	<p>1 Exhibit 208 E-mail from Jacqueline [REDACTED] to 45 2 Sabrina Rubin Erdely dated August 3 14, 2014 Bates stamped RS015089 4 through 15091 5 6 Exhibit 522 E-mail from Sabrina Rubin Erdely 74 7 dated December 11, 2014 Bates 8 stamped RS020497 9 10 Exhibit 1 "A Rape on Campus" by Sabrina 85 11 Rubin Erdely Bates stamped 12 RS001070 through 1079 13 14 Exhibit 209 E-mail from Jacqueline [REDACTED] to 109 15 Sabrina Rubin Erdely dated August 16 16, 2014 Bates stamped RS015312 17 through 15315 18 Exhibit 81 E-mail from Jacqueline [REDACTED] to 109 19 Sabrina Rubin Erdely dated August 20 16, 2014 Bates stamped RS017031 21 through 17042 22 23 Exhibit 180 E-mail from Sabrina Rubin Erdely 113 24 dated August 31, 2014 Bates 25 stamped RESPJ00000018 26 27 Exhibit 130 E-mail from Sabrina Rubin Erdely 114 28 to Emily Renda dated September 2, 29 2014 Bates stamped RENDA000871 30 through 872 31 Exhibit 370 E-mail from Jacqueline [REDACTED] to 116 32 Sabrina Rubin Erdely dated 33 September 15, 2014 Bates stamped 34 RS018282 through 18288 35 36 Exhibit 218 Document Bates stamped RS118221 130 37 through 118345 38 Exhibit 211 E-mail from Jacqueline [REDACTED] to 131 39 Sabrina Rubin Erdely dated 40 November 6, 2014 Bates stamped 41 RS016849 through 16850 42 43 Exhibit 218 Transcript Bates stamped RS118221 134 44 through 118345 45</p> <p style="text-align: right;">[Page 328]</p>
<p>1 I N D E X 2 WITNESS EXAMINATION BY PAGE 3 Sabrina Rubin Erdely Ms. Locke 4 4 PREVIOUSLY MARKED EXHIBITS 5 PLAINTIFF'S PAGE 6 Exhibit 29 Independent Contractor Agreement 9 7 Bates stamped RS001099 through 8 1106 9 Exhibit 89 Pitch for "A Rape on Campus" 13 10 Exhibit 387 Reporting file Bates stamped 20 11 RS004072 through 4502 12 13 Exhibit 361 Emily Renda's testimony before 37 14 Congress Bates stamped RS000109 15 through 109 00007 16 17 Exhibit 496 E-mail from [REDACTED] to 41 18 Sabrina Rubin Erdely dated June 19 11, 2014 Bates stamped RS016980 20 21 Exhibit 195 "The Rape of Petty Officer 43 22 Blumer" 23 Exhibit 491 Article entitled "Intimate 43 24 Intimidation" by Sabrina Rubin 25 26 Exhibit 492 Article entitled "The Crime 44 27 Against Women That No One 28 Understands" by Sabrina Rubin 29 Erdely 30 Exhibit 493 Article entitled 44 31 "Sex, Lies and Phys Ed" by 32 Sabrina Rubin Erdely 33 Exhibit 494 Article entitled "The Catholic 44 34 Church's Secret Sex-Crime Files" 35 by Sabrina Rubin Erdely</p> <p style="text-align: right;">[Page 327]</p>	<p>1 Exhibit 419 E-mail from Sean Woods to Sabrina 142 2 Rubin Erdely dated September 11, 3 2014 Bates stamped RS015470 4 Exhibit 219 Transcript Bates stamped RS118346 143 5 through 118440 6 7 Exhibit 61 Transcript of interview with Sara 173 8 Surface Bates stamped RS012126 9 through 12153 10 11 Exhibit 320 E-mail from Sabrina Rubin Erdely 201 12 to Sacha Lecca dated October 1, 13 2014 Bates stamped RS018873 14 15 Exhibit 306 E-mail from Sean Woods to Jodi 206 16 Peckman, Joe Hutchinson and Sacha 17 Lecca dated October 15, 2014 18 Bates stamped RS002256 through 19 2302 20 21 Exhibit 423 E-mail from Sabrina Rubin Erdely 210 22 to Sean Woods dated October 26, 23 2014 Bates stamped RS018980 24 25 Exhibit 66 Text messages between Sabrina 212 26 Rubin Erdely and Alex Pinkleton 27 Bates stamped RS014307 through 28 14333 29 Exhibit 505 E-mail from Sabrina Rubin Erdely 215 30 to Sacha Lecca dated October 24, 31 2014 Bates stamped RS018959 32 through 18960 33 34 Exhibit 415 E-mail from Sean Woods to Sabrina 224 35 Rubin Erdely dated October 24, 36 2014 Bates stamped RS003259 37 38 Exhibit 184 E-mail from Sabrina Rubin Erdely 229 39 to Jacqueline dated October 24, 40 2014 Bates stamped RESPJ00000232 41 42 Exhibit 67 Calls List Bates stamped RS014335 234 43 through 14358 44 45</p> <p style="text-align: right;">[Page 329]</p>

<div>1Exhibit 283 E-mail from Elisabeth Garber-Paul 245 to Sabrina Rubin Erdely dated 2November 5, 2014 Bates stamped RS013606 through 13608</div> <div>3Exhibit 48 E-mail from Melissa Bruno Bates 246 stamped RS008128 through 8129</div> <div>4Exhibit 509 Transcript Bates stamped 249 ERAMO-04828 through 4873</div> <div>6Exhibit 461 Transcript Bates stamped 255 ERAMO-04583 through 4578</div> <div>7Exhibit 536 Notes from conversation after 266 publication of article Bates stamped RS014975 through 14980</div> <div>9Exhibit 411 E-mail from Sean Woods to Sabrina 269 Rubin Erdely dated December 1, 2014 Bates stamped RS003090 through 3091</div> <div>12Exhibit 6 Columbia Journalism Review 270 article entitled "Rolling Stone's Investigation: A Failure that was 14avoidable" Bates stamped ERAMO-04541 through 4563</div> <div>15Exhibit 88 E-mail from Sabrina Rubin Erdely 279 to Will Dana dated December 5, 2014 Bates stamped RS020282 through 283</div> <div>17Exhibit 517 E-mail from Chris Lisi to Melissa 284 Bruno dated December 5, 2014 Bates stamped RS007816 through 7822</div> <div>20Exhibit 518 E-mail from Melissa Bruno to 285 Taylor Shapiro dated December 5, 2014 Bates stamped RS007825 through 7828</div> <div>22Exhibit 399 Draft document Bates stamped 288 RS002176 through 2179</div> <div>24</div> <div>25</div> <div>[Page 330]</div>	<div>1CERTIFICATE</div> <div>2</div> <div>3I, AMANDA McCREDO, a Shorthand Reporter</div> <div>4and Notary Public of the State of New York, do</div> <div>5hereby certify:</div> <div>6That the witness whose examination is</div> <div>7hereinbefore set forth, was duly sworn, and</div> <div>8that such examination is a true record of the</div> <div>9testimony given by such witness.</div> <div>10I further certify that I am not related to any</div> <div>11of the parties to this action by blood or</div> <div>12marriage; and that I am in no way interested in</div> <div>13the outcome of this matter.</div> <div>14</div> <div>15</div> <div>16</div> <div>17AMANDA McCREDO</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>[Page 332]</div>
<div>1Exhibit 165 E-mail from Alexandria Pinkleton 296 to Sabrina Rubin Erdely dated 2December 5, 2014 Bates stamped Pinkleton-01167</div> <div>3Exhibit 362 E-mail from Sean Woods to Sabrina 297 Rubin Erdely dated December 11, 2014 Bates stamped RS002973</div> <div>5Exhibit 261 E-mail to Ryan Duffin from 299 Sabrina Rubin Erdely Bates stamped Duffin-0171</div> <div>7Exhibit 266 E-mail from Ryan Duffin to 301 Sabrina Rubin Erdely dated 8December 14, 2014 Bates stamped RS017021 through 17027</div> <div>9Exhibit 231 E-mail from Sabrina Rubin Erdely 305 dated December 15, 2014 Bates stamped RS019722</div> <div>11Exhibit 524 E-mail from Gerrit ████████ to 305 Sabrina Rubin Erdely dated 12December 16, 2014 Bates stamped RS015176</div> <div>14Exhibit 477 E-mail from Sabrina Rubin Erdely 306 to Jacqueline ████████ on December 1517, 2014 Bates stamped RS019639 through 19641</div> <div>16Exhibit 526 E-mail from Steve Coll to Sabrina 313 Rubin Erdely dated February 10, 2015 Bates stamped RS017779</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>[Page 331]</div>	<div>1ERRATA SHEET FOR THE TRANSCRIPT OF:</div> <div>2Case Name: Eramo v Rolling Stone, et al</div> <div>3Dep Date: May 12, 2016</div> <div>4Deponent: Sabrina Rubin Erdely</div> <div>5</div> <div>6CORRECTIONS:</div> <div>7Pg Ln Now Reads Should Read Reason</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20SUBSCRIBED AND SWORN BEFORE ME</div> <div>21THIS __ DAY OF _____, 20__</div> <div>22</div> <div>23</div> <div>24(Notary Public) MY COMMISSION EXPIRES: _____</div> <div>25</div> <div>[Page 333]</div>

<div>1</div> <div>2</div> <div>3</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>	<p style="text-align: center;">ACKNOWLEDGMENT OF DEPONENT</p> <p>I, _____, do hereby</p> <p>certify that I have read the foregoing pages, and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.</p> <p style="text-align: center;">_____ SABRINA RUBIN ERDELY</p> <p>Subscribed and sworn to before me on this _____ day of _____, _____.</p> <p>_____ Notary Public</p> <p style="text-align: right;">[Page 334]</p>