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Attorneys for Moving Party and
Non-Party Journalist
KENNETH JACOBY

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH JACOBY,

Moving Party,

vs.

BOARD OF SUPERVISORS OF THE
UNIVERSITY OF LOUISIANA SYSTEM,

Responding Party.

Case No. 2:23-mc-00403-KJM-AC

Magistrate Judge: Allison Claire
District Judge: Kimberly J. Mueller

*Pending in the Middle District of Louisiana,
Case No. 3:22-cv-00338-BAJ-SDJ*

**DECLARATION OF KENNY JACOBY IN
SUPPORT OF JOINT STATEMENT**

Hearing Date: December 13, 2023
Time: 10:00 a.m.
Courtroom: 26

DECLARATION OF KENNY JACOBY

1 I, Kenneth Jacoby declare as follows:

2
3 1. I am over the age of 18 years. I am a reporter for USA TODAY, a nationwide
4 newspaper whose ultimate parent company is Gannett Co. Inc. I submit this declaration in support
5 of the Joint Statement re Discovery Disagreement in support of the Motion to Quash Subpoena
6 Directed to Non-Party Journalist Kenneth Jacoby in the above-captioned action, *Kenneth Jacoby v.*
7 *Board of Supervisors of the University of Louisiana System*, Case No. 2:23-mc-00403-KJM-AC in
8 the United States District Court for the Eastern District of California. The Subpoena at issue seeks
9 discovery for the underlying action, *Jane Doe v. Board of Supervisors of the University of*
10 *Louisiana System et al.*, Case No. 3:22-cv-00338-BAJ-SDJ, pending in the United States District
11 Court for the Middle District of Louisiana. The following facts are true of my own personal
12 knowledge except for those stated on information and belief, which facts I believe to be true.

13 2. I am the author of a May 26, 2021 article published in USA TODAY, “Six women
14 reported a Louisiana college student for sexual misconduct. No one connected the dots.” I
15 interviewed Jane Doe during my investigation, though she is not directly quoted in the article. I
16 understand my article was cited in the Complaint in Jane Doe’s lawsuit.

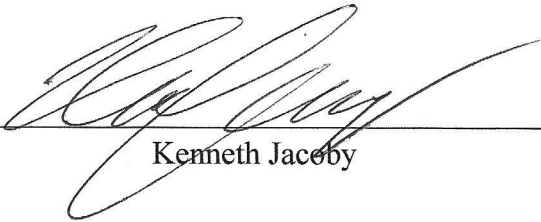
17 3. I understand that Jane Doe has already produced in discovery her written
18 communications with me. I can confirm that my first written communication to Jane Doe was a
19 December 9, 2020 email. I can confirm that my first text message exchange with Jane Doe was on
20 December 10, 2020, after our initial phone call earlier that day.

21 4. As a journalist, I have ethical obligations to my sources. It is an essential aspect of
22 my job to build trust with sources, even more so for highly sensitive subject matter like sexual
23 assault. I would not be able to do my job as an investigative reporter if sources did not believe that
24 I would honor my confidentiality agreements. To me, this is both a legal matter and a matter of
25 principle.

26 5. This declaration is not a waiver of any applicable privileges or rights for non-party
27 newsgathering organizations and their journalists, including under the U.S. Constitution, California
28 Constitution, California state law, and the common law.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 27, 2023 in Sacramento, California.



Kenneth Jacoby