

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ALEXANDER KESTENBAUM and
STUDENTS AGAINST ANTISEMITISM,
INC.,

Plaintiffs,

v.

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,

Defendant.

Case No. 1:24-cv-10092-RGS

**DECLARATION OF FELICIA ELLSWORTH IN SUPPORT OF
DEFENDANT'S MOTION TO DISMISS**

I, Felicia Ellsworth, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a partner at Wilmer Cutler Pickering Hale and Dorr LLP. I represent Defendant President and Fellows of Harvard College (“Harvard”) in the above-captioned action. I am familiar with the facts set forth in this declaration. I am competent and willing to testify to the matters contained in this declaration.

2. I submit this declaration in support of the Rule 12(b)(1) portions of Harvard’s Motion to Dismiss Plaintiffs’ Amended Complaint.

3. Attached as Exhibit 1 is a true and correct copy of the *Harvard University Non-Discrimination Policy*, found at https://provost.harvard.edu/files/provost/files/non-discrimination_and_anti-bullying_policies.pdf.

4. Attached as Exhibit 2 is a true and correct copy of Harvard's *University-Wide Statement on Rights and Responsibilities*, found at <https://provost.harvard.edu/university-wide-statement-rights-and-responsibilities>.

5. Attached as Exhibit 3 is a true and correct copy of the November 9, 2023 statement of former Harvard President Claudine Gay, *Combating Antisemitism*, found at <https://www.harvard.edu/president/news-gay/2023/combating-antisemitism/>.

6. Attached as Exhibit 4 is a true and correct copy of the January 19, 2024 statement of Interim President Alan Garber and the Deans of Harvard University, *Statement of the Interim President and Deans of Harvard University on University Rights and Responsibilities*, found at <https://provost.harvard.edu/statement-interim-president-deans-harvard-university-rights-and-responsibilities>.

7. Attached as Exhibit 5 is a true and correct copy of the January 19, 2024 announcement of Interim President Alan Garber, *Announcement of Presidential Task Forces*, found at <https://www.harvard.edu/president/news/2024/announcement-of-presidential-task-forces/>.

8. Attached as Exhibit 6 is a true and correct copy of the February 20, 2024 statement of Interim President Alan Garber, *The Antisemitic Cartoon*, found at <https://www.harvard.edu/president/news/2024/the-antisemitic-cartoon/>.

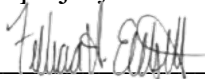
9. Attached as Exhibit 7 is a true and correct copy of the February 26, 2024 statement of Interim President Alan Garber, *Update on Presidential Task Forces*, found at <https://www.harvard.edu/president/news/2024/update-on-presidential-task-forces/>.

10. Attached as Exhibit 8 is a true and correct copy of the March 22, 2024 *Harvard Gazette* article, *Presidential Task Forces Announce Listening Sessions*, found at

<https://news.harvard.edu/gazette/story/2024/03/presidential-task-forces-announce-listening-sessions/>.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Signed this 12th day of April 2024 under the pains and penalties of perjury.

/s/ 

Felicia Ellsworth