

THE STATE OF NEW HAMPSHIRE

GRAFTON, SS.

SUPERIOR COURT

No. 08-E-0294

B.V. BROOKS, KENNETH F. CLARK, JR., MARISA DEANGELIS KANE,  
JOHN H. PLUNKETT, DOUGLAS R. RAICHLE, ROBERT G. REED III,  
AND JOHN STEEL III

v.

TRUSTEES OF DARTMOUTH COLLEGE

AFFIDAVIT OF JOHN H. MATHIAS, JR.

John H. Mathias, Jr., being duly sworn, deposes and says:

1. I am President of the Association of Alumni of Dartmouth College ("AoA"), having been first elected by a vote of all alumni on June 10, 2008 and then re-elected for a second term (unopposed) on May 9, 2009.

2. I first ran for the office of AoA President in the Spring of 2008 along with a slate of 10 other Executive Committee candidates on a platform promising to end the highly controversial lawsuit then pending which had been initiated without alumni approval and over the objection of the sitting AoA President by a bare majority of six Executive Committee members. Our slate was unanimously elected by a margin of approximately 61% to 49% in a record turnout among Dartmouth alumni voters. We took office on June 10, 2008.

3. Immediately upon taking office on June 10, 2008, we convened an Executive Committee meeting at which we unanimously passed the following two resolutions:

*RESOLVED, that effective immediately any and all authority previously delegated to Frank Gado to act in any manner for the Association of Alumni of Dartmouth College ("Association of Alumni") as Liaison for Legal Affairs ("Liaison") or in any other capacity in connection with (a) the lawsuit filed by the Association of Alumni in New Hampshire Superior Court (Docket No. 07-E-0289) against the Trustees of Dartmouth College ("the Lawsuit"); or (b) the law firm of Williams & Connolly and/or Hatem & Donovan, including but not limited to all authority delegated by the resolutions of the Executive Committee of August 23, 2007 and October 2, 2007, is hereby revoked and rescinded.*

*RESOLVED, that effective immediately the Executive Committee hereby designates the President of the Association of Alumni of Dartmouth College ("Association of Alumni"), John Mathias '69, as its Liaison for Legal Affairs, and delegates to him full power and authority (1) to oversee and direct the work of Williams & Connolly and Hatem & Donovan; (2) to take any and all actions necessary to obtain the prompt dismissal of the lawsuit filed by the Association of Alumni in New Hampshire Superior Court (Docket No. 07-E-0289) against the Trustees of Dartmouth College ("the Lawsuit"); and (3) at his discretion, to engage new or additional counsel to represent the Association of Alumni in the Lawsuit.*

4. I am a senior litigation partner in the law firm of Jenner & Block in Chicago. I have been practicing law for 37 years and have a full understanding of what it means to dismiss a lawsuit with prejudice. Our newly elected slate of Executive Committee members wanted to take whatever action was necessary to prevent the lawsuit we were dismissing on behalf of the AoA from being instigated again by other alumni purporting to have some kind of standing to do so. After discussing the issue fully, it was agreed that a dismissal with prejudice was the preferred manner of proceeding and accomplishing our desired objective.

5. Acting with the full authority and understanding of our AoA Executive Committee, I instructed our counsel, Russell Hilliard, to take whatever action was most appropriate to cause the voluntary dismissal with prejudice of the pending AoA lawsuit.

6. On June 27, 2008, pursuant to a stipulation among the parties, the AoA lawsuit was voluntarily dismissed with prejudice by telephonic order of the Court with my full understanding and approval.

7. The AoA strongly disapproves of the purported continuation by other alumni of the causes of action against Dartmouth College originally pursued in the lawsuit which we, acting for the AoA and all its members, caused to be voluntarily dismissed with prejudice on June 27, 2008.

Date: July 14, 2009

*John H. Mathias, Jr.*  
John H. Mathias, Jr.

STATE OF ILLINOIS  
COUNTY OF COOK

Subscribed and sworn to before me this 14<sup>th</sup> day of July,  
2009.

*Susan C. Cihlar*  
Notary Public

