UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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| CONSUMER FINANCIAL PROTECTION BUREAU,<br><br>Plaintiff,<br><br>v.<br><br>ITT EDUCATIONAL SERVICES, INC.,<br><br>Defendant. | ) | Case No. 1:14-cv-00292-SEB-TAB |

**PLAINTIFF'S PRELIMINARY WITNESS AND EXHIBIT LISTS**

Pursuant to the Case Management Plan entered on August 11, 2014 (DE 40), Plaintiff, the Consumer Financial Protection Bureau ("Bureau"), submits the following preliminary witness list and preliminary exhibit list. The Bureau reserves the right to revise and supplement these lists prior to trial.

**Preliminary Witness List**

1. Rosemary Arthur
2. Laura Brozek
3. Frederick Bruderly
4. David Catalano
5. Larry Chiavaro
6. Jennifer Cody
7. Jeffrey Cooper
8. Sarah Doggett
9. Eugene Feichtner
10. Daniel Fitzpatrick

11. Pearl Gardner
12. Angela Generose
13. Marnie Glanner
14. Jason Granillo
15. Christine Gray
16. Rhonda Hammond
17. Joe Hasto
18. John Hawthorne
19. Claudia Herrin
20. Lora Hicks
21. Michael Holtman
22. Mark Huber
23. David Johnson
24. Joseph Karlin
25. Angela Knowlton
26. Travis Krause
27. Gregory Leis
28. Michael Lindvay
29. P. Michael Linzmaier
30. Rodney Lipscomb
31. Cynthia Liss
32. Sonya Longfellow
33. Dawn Lueck
34. Wendy Maddox-Wright

35. Susan Mangus
36. June McCormack
37. Kevin Modany
38. Kevin Moehn
39. Janice Moon
40. Marilyn Naito
41. Schon Nielsen
42. John Parent
43. Bradley Parish
44. Richard Quimby
45. Netisha Reynolds
46. Robert Russo
47. Lisa Schlehuber
48. Barry Simich
49. Glenn Tanner
50. Debra Tartarini
51. Martin Van Buren
52. Gregory Wallis
53. Pamela Young
54. Richard Zeeman
55. ITT District Managers during the relevant time period
56. ITT personnel involved in financial aid for ITT students during the relevant time period

57. ITT personnel involved in designing, operating, and administering ITT's computer systems related to financial aid, student enrollment, and employee performance evaluation and monitoring
58. ITT personnel involved in designing, operating, administering, and accounting for the Student CU Connect ("SCUC"), PEAKS Trust 2009-1 ("PEAKS"), and Temporary Credit programs
59. ITT personnel involved in communications to students regarding students' actual or expected earnings, job prospects, "return on investment," ability to repay education debt, and other student outcomes, during the relevant time period
60. ITT students who experienced ITT's financial aid packaging and repackaging processes during the relevant time period, including students who received a SCUC loan after July 20, 2011
61. Individuals listed in either party's initial disclosures
62. Individuals listed on any witness list
63. Expert witnesses identified by any party
64. Individuals necessary to establish the admissibility of exhibits at trial
65. Individuals called for the purpose of impeachment or rebuttal

**Preliminary Exhibit List**

1. Documents relating to the creation, purpose, design, and administration of the SCUC and PEAKS student loan programs, including ITT's role with respect to those programs
2. Documents relating to the creation, purpose, design, and administration of ITT's Temporary Credit program
3. Documents reflecting financial aid information for ITT students who had loans under the SCUC and PEAKS student loan programs, including financial aid records, financial aid

applications, loan information, contracts, written correspondence, emails, notes, memoranda, disclosures, credit scores, credit reports, other credit information, recorded calls, complaints, and data housed on the ASR or Smartforms platforms

4. Documents relating to financial aid packaging and repackaging for ITT students during the relevant time period, including documents reflecting: (a) methods or strategies for ITT personnel to conduct, schedule, or complete financial aid repackaging for students; (b) the timing and pace of financial aid repackaging, including the speed of scheduling and conducting appointments, the speed of completing loan applications, the time spent on loan terms and disclosures, time stamps on electronic documents, and time stamps on electronic signatures, logs, and sign-in sheets; (c) representations made to ITT students relating to financial aid packaging and repackaging; and (d) threatened or actual consequences to ITT students for failing to attend repackaging appointments or failing to complete the repackaging process, including withholding transcripts, diplomas, or course materials, or prohibiting students from attending class or graduation, or expulsion
5. Documents relating to the training, monitoring, and disciplining of ITT personnel involved in financial aid for ITT students during the relevant time period
6. Documents relating to performance evaluations and incentive compensation for ITT personnel involved in financial aid for ITT students during the relevant time period
7. Documents relating to the expected or actual performance of the loans included in the SCUC and PEAKS student loan programs, including projected or actual default rates
8. Documents relating to the impact of the SCUC and PEAKS student loan programs on ITT's financial condition or financial statements, including (a) ITT's ability to meet the requirements imposed by the United States Department of Education, codified at 20 U.S.C. § 1094(a)(24); (b) ITT's income; (c) ITT's cash flow; (d) ITT's day sales outstanding; (e)

ITT's bad debt expense; (f) ITT's accounting with respect to doubtful accounts; (g) ITT's accounting treatment of its "trade receivables," or Temporary Credit, including its ability to reduce the discount it was required to apply to such assets with respect to its balance sheet; (h) the need for ITT to provide Temporary Credit to its students; (i) ITT's ability to continue its stock repurchase program; (j) ITT's stock price; (k) investor interest in ITT stock

9. Documents reflecting materials displayed in ITT campus financial aid offices, hallways, and interview rooms, including written, graphic, audio, or video materials during the relevant time period
10. Documents relating to ITT students' actual or expected earnings, job prospects, "return on investment," ability to repay education debt, and other student outcomes, during the relevant time period
11. Documents relating to complaints, arbitrations, and lawsuits filed by ITT students concerning the SCUC and PEAKS student loan programs or ITT's recruitment, enrollment or financial aid practices
12. Documents relating to ITT's responses and reactions to government investigations and media coverage relating to the for-profit higher education industry
13. Documents identified in the parties' initial disclosures
14. Exhibits set forth on any exhibit list proffered by ITT
15. Transcripts or recordings of any deposition taken in this action, any investigational hearing taken in the Bureau's investigation of ITT that led to this action, or any deposition taken in any other case or investigation that is factually related to this action
16. Exhibits introduced at any deposition taken in this action, any investigational hearing taken in the Bureau's investigation of ITT that led to this action, or any deposition taken in any other case or investigation that is factually related to this action

17. Documents cited in any expert report filed in this action, or otherwise identified, discussed or relied upon, by any expert witness in this action
18. Stipulations or other agreements entered into by any party or witness
19. Documents produced by any party in this action
20. Responses to interrogatories or requests for admission served by any party in this action
21. Pleadings filed in this action
22. Documents and things that may be used for demonstrative purposes
23. Documents necessary for the purpose of impeachment or rebuttal

Dated: January 6, 2016

Respectfully submitted,

/s Maureen Elin McOwen
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Thomas Hyunchin Kim (NY Bar #4308029)
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*Counsel for the Consumer Financial Protection Bureau*

**CERTIFICATE OF SERVICE**

I, Maureen McOwen, certify that on January 6, 2016, a copy of Plaintiff's Preliminary Witness and Exhibit Lists was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Date: January 6, 2016

/s Maureen Elin McOwen
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