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STATE OF WYOMING     )  
  )ss.  
COUNTY OF LARAMIE    )

IN THE DISTRICT COURT  
FIRST JUDICIAL DISTRICT

LARAMIE COUNTY COMMUNITY     )  
COLLEGE                             )  
  )  
Plaintiff,                            )  
  )  
vs.                                     )  
  )  
DAVID L. FEATHERLY, dba         )  
THE CHEYENNE HERALD,            )  
  )  
Defendant.                          )

**FILED**

MAY 21 2010

GERRIE E. BISHOP  
CLERK OF THE DISTRICT COURT

Docket 176, No. 99

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**AFFIDAVIT OF CAROL HOGLUND**

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The undersigned, under oath, duly sworn, states as follows:

1. I have personal knowledge of all matters set forth herein.
2. On April 7, 2010, Becky Orr from the Wyoming Tribune Eagle submitted a public records request for LCCC's "CARE Team report about the trip to Costa Rica which Dr. Hammon took part in."
3. On or about April 12, 2010, I provided a letter to Ms. Orr denying the request because the disclosure of the information contained in the report would be a violation of the Family Educational Rights and Privacy Act (FERPA).
4. Bruce Moats, legal counsel for the Wyoming Tribune Eagle provided a letter to LCCC requesting LCCC enter into a joint motion to have the documents reviewed *in camera* by a judge.
5. The Trustees of LCCC have directed their legal counsel and Dr. Hammon to file a joint motion for declaratory judgment with the Wyoming Tribune Eagle for an *in camera* review of the documents.

6. Upon information and belief, David L. Featherly, dba The Cheyenne Herald has obtained a copy of the report and intends to prepare an article for tomorrow's edition of the newspaper disclosing information contained in the report.

7. The Family Educational Rights and Privacy Act (FERPA), is a federal law that protects privacy interests of parents in their children's education records. FERPA generally prevents an educational agency or institution from disclosing the education records of students, or personally identifiable information contained in education records, without written consent. "Education records" are defined as records that are directly related to a student, and maintained by an educational agency or institution or by a party acting for the agency or institution. 34 CFR § 99.3.

8. Under the FERPA regulations, "disclosure" means "to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records to any party, by any means, including oral, written, or electronic means." 34 CFR § 99.3. The regulations defined "personally identifiable information" so that it includes, but is not limited to:

- a. The student's name;
- b. The name of the student's parent or other family member;
- c. The address of the student or student's family;
- d. A personal identifier, such as the student's social security number or student number;
- e. A list of personal characteristics that would make the student's identity easily traceable; or
- f. Other information that would make the student's identity easily traceable.

34 CFR § 99.3. That is, FERPA-protected information may not be released in any form that would make the student's identity easily traceable.

9. The documents obtained by David L. Featherly, dba The Cheyenne Herald contain personally identifiable information regarding a student.

10. The actions of David L. Featherly, dba The Cheyenne Herald and its intent to publish information contained in the documents, will cause irreparable harm to LCCC, including the potential loss of millions of dollars of federal funding, if allowed to continue.

Dated this 21<sup>st</sup> day of May, 2010.

  
\_\_\_\_\_  
Carol Hoglund

STATE OF WYOMING     )  
                                  )ss:  
COUNTY OF LARAMIE    )

The above and foregoing instrument was acknowledged before me, a Notary Public, by Carol Hoglund this 21<sup>st</sup> day of May 2010.

  
My commission expires:

  
\_\_\_\_\_  
Notary Public