

# EXHIBIT 2

Fourth Affidavit of  
Scott Ludlow

STATE OF SOUTH CAROLINA

)

COUNTY OF PICKENS

)

**FOURTH  
AFFIDAVIT OF SCOTT LUDLOW**

PERSONALLY APPEARED BEFORE ME, Scott Ludlow, who upon being duly sworn, deposes and states as follows:

1. I am a citizen and resident of Anderson County, South Carolina. From April, 1996 to November, 2004, I served as the Chief Financial and Business Officer of Clemson University.

2. As the Chief Financial and Business Officer of Clemson University, I regularly attended meetings of the Clemson University Board of Trustees. I recall being present on several occasions when the scope of the authority of the Board of Trustees was discussed. I recall hearing several Trustees make comments to the effect that although the will of Thomas Green Clemson gives the Clemson University campus to the State of South Carolina, the University is operated by the self-perpetuating Board of Trustees who are not beholding to the State. I have heard these Trustees say that as Trustees, they can act completely independently of the State in administering the affairs of Clemson University.

3. Trustees I specifically recall making these statements include Bill Hendrix, Les McCraw, Tom McTeer, Bill Amick and Joe Swann. My recollection is that all the Trustees unanimously shared this perspective about the scope of the power of the Trustees at Clemson. No Clemson University Trustee, to the best of my

knowledge, ever stated a contrary view. No such contrary view or reservation was ever stated by a Clemson University Trustee in my presence.

4. Employees and other representatives of Clemson University, when speaking at meetings off campus, often made the statement that Clemson University is unique among the colleges and universities in the United States, in that it has a different governance model. They would often say that Clemson University is governed by a self-perpetuating Board of Trustees which answers to no one. To our knowledge, we believed this made Clemson University different from all other state-supported colleges and universities in the country.

5. Based on these statements repeatedly made by the Trustees of Clemson University and others at the University, I do not understand how they could claim the University is a mere arm or agency of the State of South Carolina.

6. In an earlier Affidavit I gave to attorneys representing Gene Troutman, I attached a copy of a letter I received from President Barker and my letter of resignation which it prompted. These are not the only documents I took with me when I left my employment at Clemson University. As I recall, I took approximately twelve boxes of documents. These included documents which I considered to be of professional interest and which I thought would be of assistance to me in possible future employment. I recall purging files, both electronic and paper, which I had maintained in my office at Clemson University. I understood that my taking these documents was consistent with University policy. I never considered it to be in any way a violation of any rule, instruction or practice. To the best of my knowledge, all of the documents I took with

me would be produceable to a member of the public who filed a request with Clemson University under the Freedom of Information Act. I maintained these documents for approximately two years. When I retired from State government in 2008, I discarded the majority of these documents. I retained only approximately one-half of a box of documents which I still have at this time.

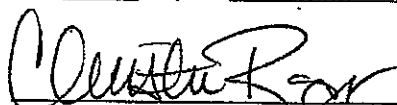
7. I have seen a letter dated October 23, 2008 written to Mr. Troutman by Isaac Wallace, the Clemson University records manager. This letter cites South Carolina Code Section 30-1-10 et. seq. and demands that he return any and all documents obtained by him during his employment with Clemson University. No such letter was ever sent to me. To my knowledge, no such letter as this was ever sent to any employee who left Clemson University.

FURTHER, YOUR AFFIANT SAYETH NAUGHT.

  
SCOTT LUDLOW

SWORN to and SUBSCRIBED before me

this 20<sup>th</sup> day of March, 2009

 (L.S.)

NOTARY PUBLIC for South Carolina

My Commission Expires: 1/31/2015