



## **Clemson Responds to Allegations with Counterclaim**

**By: Amanda Carey, Editor in Chief**

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Clemson University lawyers have recently asked U.S. Senior District Judge Matthew Perry to let a lawsuit brought by former Clemson Board of Trustees Executive Secretary Eugene Troutman proceed. According to court documents, the university plans to seek to have Troutman's lawyers disqualified.

Perry approved Clemson's request for a stay in November, which essentially meant that all action in the case would be put off until the school's hearing for an appeal of Perry's earlier decision to not dismiss the case could be held.

However, Clemson University lawyers have changed their mind about a complete stay after a series of letters was exchanged between them and Troutman's lead counsel, Joel Collins. The letters contained information about documents Troutman has in his possession that Clemson wants back.

According to the university, some of these documents are the same digital files Troutman used in his 14-page letter to a few of Clemson's trustees, the governor and numerous other officials.

Now, Clemson lawyers are arguing that Troutman's use of the documents is disrespectful of the court and the law, and their motion asks for sanctions that would include the disqualification of Troutman's lawyers.

According to Collins, Troutman copied files from a laptop he used while working at Clemson University. Collins said he did so over a concern that his personal information could be accessed when he turned in the computer. Collins also said that Troutman copied the files to a disk, which he then handed over to the school.

But Clemson officials were not satisfied, which is why they have filed a counterclaim alleging Troutman violated a federal computer fraud and abuse law by deleting files

without permission and refusing to turn over certain documents to the university.

"Plaintiff now refuses to surrender the documents, has continued to use and publish Clemson University's privileged documents, and has stated his intention to continue doing so without limitation in violation of state and federal law and this court's instructions," say Clemson lawyers.

Collins responded by saying the plaintiff is in favor of the request to lift the stay if it is lifted for both sides. Collins also said that the documents in question are essential to proving Troutman's case that he lost his job as a result of retaliation, and once given up, Clemson may not give them back.

Troutman has also fired back at the university by alleging that Clemson sold surplus computers with personal information on them and then purposely tried to hide it from the public. Clemson University has denied the allegations and any wrongdoing.

According to documents filed by Troutman's attorney's, when Board of Trustees Chairman Bill Hendrix first learned that computers that were being prepared for sale contained confidential information, he replied by saying, "This will be really bad publicity if this gets out."

Troutman also says that Clemson's General Counsel, Clay Steadman, recommended that the school not report the problem if the people affected could not be identified, and the school identified none.

In an article that appeared in The Greenville News on January 6, 2009, Steadman was quoted as saying, "I don't have a recollection of making those statements to him and, of course, we don't conceal information. I hope people understand and believe that."

Hendrix declined to comment.

According to The Greenville News, Troutman says he first learned that Clemson was selling computers with personal information and sensitive records on them in fall of 2006. According to an audit that was done the following spring, old hard drives were found that contained information including names, social security addresses, medical information, and other files that would be damaging to the university if released to the public.

The auditor wrote that, "Failure to appropriately destroy data stored on hard drives could lead to the improper disclosure of confidential and personal data of students, employees, donors and others. The risks, both financial and reputational, could be tremendous." The school has since complied with the auditor's recommendations that include all hard drives be removed and either destroyed or made unreadable before sale.