

**From:** Lawrence Krauss <[REDACTED]>  
**To:** J <jeevacation@gmail.com>  
**Subject:** Fwd: Krauss settlement agreement - revised draft  
**Date:** Fri, 12 Oct 2018 23:42:13 +0000

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**Lawrence M. Krauss**

**Professor**

School of Earth & Space Exploration and Physics Department  
Arizona State University, P.O. Box 871404, Tempe, AZ 85287-1404

Research Office: [REDACTED] | Assistant (Jessica) [REDACTED]  
| [REDACTED] | [www.lawrencemkrauss.com](http://www.lawrencemkrauss.com)

Begin forwarded message:

**From:** Justin Dillon <[REDACTED]>  
**Subject:** Fwd: Krauss settlement agreement - revised draft  
**Date:** October 12, 2018 at 4:41:18 PM PDT  
**To:** Lawrence Krauss <[REDACTED]>

Justin Dillon

KaiserDillon PLLC  
1401 K Street NW  
Suite 600  
Washington, DC 20005  
[REDACTED]  
[www.kaiserdillon.com](http://www.kaiserdillon.com)

Begin forwarded message:

**From:** Justin Dillon <[REDACTED]>  
**Subject:** Re: Krauss settlement agreement - revised draft  
**Date:** October 12, 2018 at 7:41:03 PM EDT  
**To:** Kimberly Demarchi <[REDACTED]>

Thanks, Kim. I will take that to mean the Friday deadline is no longer operative. If I'm wrong about that, please let me know. Have a nice weekend.

Justin

Justin Dillon

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EFTA01019815

On Oct 12, 2018, at 7:39 PM, Kimberly Demarchi <[REDACTED]> wrote:

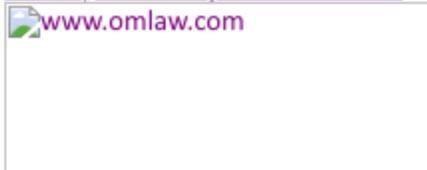
Justin,

I'm writing to confirm the conversation we just had. I've passed along your proposed changes to my clients and am waiting to hear back. I expect that I may not hear back by 5 pm today, which was the original deadline, but I will let you know as soon as I can. Given the time difference, if I am able to provide you with any additional response tonight, I wouldn't expect you to respond tonight. Over the weekend will be sufficient.

Thanks,  
Kim

**Kimberly A. Demarchi**

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[2929 North Central Avenue](#)  
[21st Floor](#)  
[Phoenix, Arizona 85012](#)  
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**From:** Justin Dillon <[REDACTED]>  
**Sent:** Friday, October 12, 2018 2:45 PM  
**To:** Kimberly Demarchi <[REDACTED]>  
**Subject:** Re: Krauss settlement agreement - revised draft

Kim,

Here's my redline. If ASU will agree to this, we are prepared to sign today. Please feel free to call me at 202-421-5298 if you would like to discuss anything.

Thanks,

Justin

Justin Dillon

KaiserDillon PLLC  
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Washington, DC 20005  
[REDACTED]  
[www.kaiserdillon.com](#)

On Oct 12, 2018, at 4:04 PM, Kimberly Demarchi <[REDACTED]> wrote:

Here's the Word document. I've reached out about the extension and will get back to you.

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**From:** Justin Dillon <[REDACTED]>  
**Sent:** Friday, October 12, 2018 12:56 PM  
**To:** Kimberly Demarchi <[REDACTED]>  
**Subject:** Re: Krauss settlement agreement - revised draft

Also, would you mind sending this to me in Word so I can redline as needed?

Thanks,

Justin

Justin Dillon

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On Oct 12, 2018, at 3:08 PM, Kimberly Demarchi < > wrote:

Justin,

I'm writing to follow up on our conversation and correspondence yesterday regarding the proposed settlement.

ASU is willing to agree that any funds donated by the Brown Foundation that remain unspent may be transferred from the ASU Foundation to another non-profit organization, if the Brown Foundation so directs. At this point, I've been able to determine that there is a total of \$1,209,479.32 on deposit with the ASU Foundation for the Origins Project's operating expenses. Some of that may be from other donors, so it is possible that not all of it would be transferred. But whatever is attributable to the Brown Foundation would be transferred, provided that the Brown Foundation directs the ASU Foundation to do so and tells it what nonprofit should receive the funds.

Although I do not agree with your analysis, we will agree to remove the reference to the ADEA from the release paragraph, which should put an end to the discussion regarding whether it is necessary to provide your client with a review period or the option to revoke.

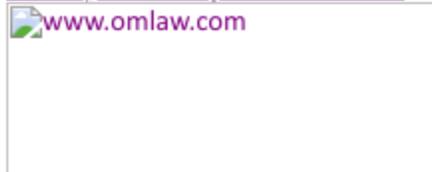
ASU is not willing to extend the retirement date beyond May 2019 or make additional payments, nor is it willing to transfer the funds in its local accounts to another institution.

I have attached a revised agreement along these lines. I am available for discussion as needed.

Best wishes,  
Kim

**Kimberly A. Demarchi**

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<Krauss settlement agreement - 2018-10-12 Revision.pdf>

<Krauss Settlement Agreement - 2018-10-12 Revision.docx>