

**From:** Lawrence Krauss <[REDACTED]>  
**To:** Patrick Kenney <pkenny@asu.edu>  
**Cc:** Lawrence Krauss <[REDACTED]>  
**Subject:** Re: ARE/FRE Rule 408 Communication  
**Date:** Wed, 10 Oct 2018 23:47:54 +0000

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Pat:

My attorney reached Kim Dimarchie, and she has indicated at this point President Crow's deadline is waived, and we have until the end of the day on Friday to see if we can come to an agreement. My understanding from my attorney is that negotiations are now between he and her, but if this is not the case, I am happy to have a conversation with you to clarify some of the outstanding issues based on our conversation earlier today. Among the items, my understanding regarding the research funds was that they were on the table and the University was amendable to a transfer pending approval by donors etc. In any case, you have my cell phone number, if you want to talk, but I wanted you give you the information above right now. If I don't hear from you, my attorney and I and our advisors will continue negotiations and present our proposals to Kim Dimarchie.

Lawrence

**Lawrence M. Krauss**

**Professor**

School of Earth & Space Exploration and Physics Department

Arizona State University, [REDACTED]

On Oct 10, 2018, at 3:49 PM, Patrick Kenney <pkenny@asu.edu> wrote:

I have forwarded your note to the provost and [REDACTED] trying to contact OGC and the provost. Currently in a meeting.

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**From:** Lawrence Krauss <[REDACTED]>  
**Sent:** Wednesday, October 10, 2018 3:14 PM  
**To:** Patrick Kenney  
**Subject:** Re: ARE/FRE Rule 408 Communication

I just saw this. I am currently away from my house on errands and will not return home for some time. It is after 6 ok on the east coast where my lawyer is, so there is no way I can even discuss this document with him before 5 pm today. It is therefore impossible to respond to this legal document in less than 2 hours. Moreover there were several items that were left hanging that you were going to get back to me on that are not addressed here and there are inconsistencies in the document as it now stands.

We had agreed to continue our good faith discussions toward conciliation as described in the recommendation of the conciliation committee, and the process as outlined in the Abor 601 provide up to 60 days to complete this if we are proceeding. The deadline of 5 pm on is not only unreasonable but is physically impossible to achieve today given the timing of your email, for the reasons described above.

Are you available for a phone conversation now or later?

**Lawrence M. Krauss**

**Professor**

School of Earth & Space Exploration and Physics Department

Arizona State University, [REDACTED]

Research Office

Assistant (Jessi [REDACTED])

[REDACTED]

Sent from my iPhone

On Oct 10, 2018, at 2:16 PM, Patrick Kenney <pkenny@asu.edu> wrote:

Lawrence,

Following our phone call this morning, I reviewed that discussion with senior leadership. The attached settlement agreement reflects the terms that the University is willing to agree to in order to avoid engaging in the next step of the dismissal process. Please review and let me know if we have an

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agreement. Please note that in addition to signing and dating the agreement, the terms also call for you to provide a letter of retirement that is addressed to me. As we discussed, the deadline remains 5:00 p.m. today.

<Krauss Settlement Agreement.pdf>