

July 29, 2020

VIA EMAIL [ckimball@callutheran.edu]  
AND FIRST CLASS MAIL

Chris Kimball, Ph.D., President  
California Lutheran University  
60 West Olsen Road, #1300  
Thousand Oaks, CA 91360-2787

Re: Elton and Janice Gallegly Center for Public  
Service and Civic Engagement  
Tolling Agreement; Commencement of Archival  
Collection Project

Dear President Kimball:

The undersigned represents Elton and Janice Gallegly with respect to the Elton and Janice Gallegly Center for Public Service and Civic Engagement and the contractual obligations of the University pursuant to the October 2017 Gift Agreement between the parties.

Congressman and Mrs. Gallegly, together with many others, have worked tirelessly for many years to create and ensure the viability of the Center. Their efforts include extensive fundraising, creation of a Public Speakers Forum and establishment of a Scholarship Fund, all of which has benefited the University. The Center is now firmly in place from both a premises and operational standpoint and is three years ahead of schedule in establishing amounts for a fellowship.

Since the inception of the Gift Agreement, Congressman and Mrs. Gallegly have made repeated requests that the University begin and complete the management, storage, preservation, digitization and display of the Center's Archival

Collection. Regretfully, either through lack of diligence or other reasons, the University has chosen to ignore their requests and has failed to meet the University's contractual obligation to preserve and digitize the Archival Collection as set forth in the Gift Agreement, and specifically in Sections 2, 6 and 7 thereto.

It is also noteworthy that the University's stated intention to preserve and digitize the Archival Collection extends back to the initial January 2013 Deposit Agreement between the parties (thereafter superseded by the 2017 Gift Agreement). Further, following the 2017 Gift Agreement drafted by the University, CLU expressly acknowledged and stated in writing that the University would be "archiving and digitizing the relevant documents to make the Center accessible to scholars, researchers, faculty and students."

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[2018 CLU Brochure, "Elton and Janice Gallegly Center for Public Service And Civic Engagement, p. 4]. The University has taken no action to fulfill this commitment.

During this same time period, in an effort to assist the University to meet its archival obligations, Congressman and Mrs. Gallegly have brought in well-qualified consultants to assist the University in obtaining grants from the National Archives for such work, and to obtain proposals for such work, all to no avail. Congressman and Mrs. Gallegly have been extraordinarily patient during these years of University inaction concerning the Archival Collection. Their patience has now run out.

On their behalf, we ask that the University fulfill its obligations and do both of the following:

1. Enter into the attached Tolling Agreement in order to allow the parties time to resolve this dispute and to defer the filing of formal litigation by Congressman and Mrs.

Gallegly against the University.

2. Begin the management, storage, preservation, digitization and display of the Center's Archival Collection, with such work to commence on or before October 1, 2020, and to be completed on or before April 1, 2021, and to thereafter manage the Collection in accordance with the terms and conditions of the Gift Agreement.

We ask that the University undertake both actions and provide us with your response thereto on or before August 12, 2020. We hope to resolve this matter amicably. However, should the University fail to respond accordingly, Congressman and Mrs. Gallegly will consider their available legal remedies against the University.

Please do not underestimate the seriousness of intent with which this letter is written. I hope to hear from you at your earliest convenience.

Very truly yours,

Anthony H. Trembley

cc: Congressman and Mrs. Gallegly

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