

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**MAHSA P KHYAVI and PARVIZ)
PHARMACEUTICALS AND)
HEALTH SYSTEMS,)**

Plaintiffs,)

vs.)

**PRESIDENT AND FELLOWS OF)
HARVARD COLLEGE,)**

Defendant.)

**CIVIL ACTION NO.
4:17-CV-000760-ALM-CAN**

**DECLARATION OF ROBERT NEUGEBOREN IN SUPPORT OF
HARVARD'S MOTION TO DISMISS**

1. I, Robert Neugeboren, make this Declaration pursuant to 28 U.S.C. § 1746. I am over 21 years of age and of sound mind. I have never been convicted of a felony or other crime of moral turpitude. I am currently employed by President and Fellows of Harvard College ("Harvard") as the Dean of Students and Accessibility of Harvard Extension School. By virtue of my employment, I am a custodian of records kept by Harvard, and I have personal knowledge of how Harvard makes and keeps the records of its regularly conducted activity that are attached to this declaration. Through my job duties and responsibilities with Harvard and after a diligent inquiry and a review of Harvard's business records, including the Harvard Extension School file for Plaintiff Mahsa P. Khyavi ("Plaintiff"), I am personally acquainted with the facts stated herein, and they are true and correct to the best of my knowledge. I further state that I am fully competent to make this declaration.

2. The Harvard Extension School is a separate division of Harvard University, lodged within Harvard's Faculty of Arts and Sciences, a faculty itself distinct from Harvard Medical School.

3. Plaintiff attended Harvard Extension School in Cambridge, Massachusetts. According to her course summary, Plaintiff first enrolled in Fall 2012, and her last reported course was in 2016. Plaintiff applied to the Health Careers Program (HCP) at Harvard Extension School and was conditionally accepted, but she failed to complete the required courses with a grade of B or better, so was never officially admitted to the program. Plaintiff's application, dated February 11, 2014, listed her then-current mailing address as: 25 Calvin St. #2, Somerville, MA 02143, and her then-current home phone number as: 617-419-0690. The area code "617" serves Boston, Massachusetts, and surrounding areas, including Cambridge.¹ A true and correct copy of that application, maintained in the regular course of Harvard's business, is attached hereto as Exhibit 1.

4. Plaintiff did not receive a stipend or any financial aid from Harvard in connection with her attendance at the Harvard Extension School.

5. To the best of my knowledge, Plaintiff was never admitted to Harvard Medical School and has never attended Harvard Medical School. The Harvard Medical School is the only Harvard school that offers the MD degree that Plaintiff insists she earned.

6. To the best of my knowledge, Harvard did not send a representative to travel to Texas at any time to specifically recruit Plaintiff, as a student or employee.

¹ Harvard respectfully requests that the Court take judicial notice of this fact pursuant to Federal Rule of Evidence 201, which provides, "[t]he court may judicially notice a fact that is not subject to reasonable dispute because it (1) is generally known within the trial court's territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b).

7. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30th day of October, 2017.



ROBERT NEUGEBOREN