

COMMONWEALTH OF MASSACHUSETTS

Superior Court

Suffolk, ss

BENJAMIN EDELMAN,

Plaintiff

v.

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,

Defendant.

Civil Action No. 2384CV00395-BLS-2

**RESPONSES TO DEFENDANT’S SECOND SET OF INTERROGATORIES TO
PLAINTIFF**

RESPONSES TO INTERROGATORIES

27. Please state how, if at all, you would have changed your Reply to the 2017 Faculty Review Board Draft Report (Deposition Ex. 17, the “Draft Report”), if the notes of interviews which Harvard has produced in discovery, including Deposition Exhibit 96 and documents bearing the Bates numbers HBS0023984 and HBS0023989, had been provided to you in conjunction with the Draft Report.

RESPONSE 27:

Plaintiff objects to this interrogatory to the extent that it calls for the substance of communications that are protected by the attorney-client privilege, the work-product doctrine, or the marital privilege. Plaintiff further objects to the interrogatory as unduly burdensome, vague, ambiguous, and calling for speculation. Subject to and without waiving these objections, Plaintiff states as follows.

Broadly, I would have used the interview quotes to call into question the representativeness and accuracy of the negative quotes the FRB’s 2017 report offered, and to amplify positive remarks. Overall, I would have sought to establish that the FRB’s evaluation of

my internal interactions was not reliable. I would have also used my remarks to attempt to press the FRB to withdraw or revise that portion of their draft report.

If I had had access to the interview notes, I would have criticized each negative quote, at least as follows:

“He can have a tendency to threaten to take something to the next level.”

I believe this statement was attributed to [REDACTED]

- **Incomplete quote.** I would have pointed out that the full quote in Angela Crispi’s notes continues “but he has taken a step back” which suggests the concern, such as it is, is reduced or no longer in effect. I would have pointed out that the totality of the interview, particularly in light of the full quote, suggests that the more negative assessment is probably outside the time period of the 2017 FRB report.
- **Limited interactions.** I would have remarked that my interactions with [REDACTED] were limited, including as few as one in-person meeting in the relevant period.
- **Broader interview is overall positive.** I would have pointed out that the full interview is positive.
- **Contrary to the email evidence.** I would have pointed out that my emails with [REDACTED] all of which I preserved, show a polite and businesslike tone.

“He’s abrupt. He lacks grace. He’s more apt to pressure others—he asks questions the way you might in a seminar.”

I believe this statement is attributed to [REDACTED].

- **Incomplete quote.** I would have pointed out that the full quote continues “But he’s intellectually sharp. Asks great questions. He agrees to disagree.” I would have argued that these additions change the overall tone.
- **Broader interview is overall positive.** I would have pointed out that the full interview is positive, and I would have offered a quantitative characterization based on number of clauses, sentences, bullets, and/or ideas that are positive.
- **Contrary to contemporaneous summary.** If I had received Edmonson’s remarks indicating that [REDACTED] described me as a genius and was supportive, I would have

pointed out that Edmonson contemporaneously interpreted the interviewee as offering an overall favorable assessment of me, contrary to this quote.

“He can be disruptive; he lacks understanding of an appropriate path to a goal.”

/and/

“He has a hard time thinking about other perspectives.”

I believe these statements are attributed to [REDACTED].

- **Limited interactions.** I would have remarked that my interactions with [REDACTED] were limited, including as few as one in-person meeting in the relevant period.
- **Broader interview is overall positive.** I would have pointed out that the full interview is positive.
- **Contrary to the email evidence.** I would have pointed out that my emails with [REDACTED] all of which I preserved and could have presented to the FRB, show a polite and businesslike tone. As to my path to a goal, I would have called out her remarks such as “As always, it is extremely helpful” and “Your email was timed so perfectly” (BGE018171). As to considering other perspectives I would have highlighted BGE010545 (paragraph 2 sentence 2 discussing the rationale for a limitation I was concerned about; and page 2 paragraph 1 sentence 2 recognizing staff’s other priorities), BGE010551 paragraph 2 sentence 3 (discussing likely reaction from faculty and FSS), BGE018102 sentence 2 (discussing a colleague’s experience and resulting perspective), BGE018133 (discussing a problem grounded in a colleague’s report and his perspective, not affecting me), BGE018156 (discussing preferences of faculty and FSS, and flagging processes that consume unwarranted FSS time). I would also have highlighted emails, to other IT staff, that explicitly consider and discuss alternatives and counterarguments.

“We learned his style. He's grown some, but we also learned how to deal with him.”

I believe this statement is attributed to [REDACTED].

- **Limited interactions in the time period at issue.** I would have pointed out that I interacted with [REDACTED] solely in the context of the FIELD 3 teaching group, which met in spring 2015 and spring 2016, the former of which is outside the time period of the 2017 FRB review. I would have pointed out that the interview explicitly calls out improvement (“over the arch of two years”, as well as “he’s grown” within the specific quote here), so criticism presumptively relates to earlier interactions.

- **Contrary views of other witnesses who were present for all interactions.** I would have pointed out that my in-person interactions with [REDACTED] occurred only in the FIELD 3 teaching group. I would have pointed out that course-head [REDACTED], senior faculty member [REDACTED], and senior faculty member [REDACTED], were present in every such meeting, that they did not report any such concerns, and that in fact they assessed my conduct favorably in their interviews.
- **Contrary to the email evidence.** I would have pointed out that my emails with [REDACTED] all of which I preserved, show a polite and businesslike tone. In the sole instance of any tension with her, as to the timing of FIELD 3 staff processing certain peer feedback to students, I would defend my sense of urgency based on FIELD 3 pedagogy, course scheduling, and what was best for students in that situation.

“He has worked on being less harsh, but his views are still quite clear to those who hear him.”

I believe this is attributed to [REDACTED].

- **Ambiguity as to context.** In context, [REDACTED] remarks could reasonably be understood to refer to our joint reunion sessions, in which we presented two intentionally-divergent, provocative positions on the same question – an approach intended both to be highly engaging, and to draw out the strengths and weaknesses of each position.
- **Broader interview is overall positive.** I would have pointed out that the full interview is positive.
- **Contrary to witness’s true views.** Based on my discussions with [REDACTED] both before and since, I believe the interview notes do not convey a true sense of his assessment of me. If I had known that he was quoted as saying what these notes indicate, I would have asked him whether these notes accurately captured his views, and encouraged him to correct the record with the FRB if they did not. I believe [REDACTED] would have said the notes were not a correct summary of his view.

“I would not be proud to know that he was a senior faculty member interacting with the business community.”

I believe this is attributed to [REDACTED].

- **Outside the scope of the witness’s knowledge; speculation.** I would have pointed out that I interacted with [REDACTED] only in the context of LCA teaching group, which was an informal gathering of colleagues, entailing zero interaction with the business community. I would have pointed out that [REDACTED] was speculating about how I might interact with the

business community, and I would have argued that such speculation was improper and unreliable, and had no proper place in the FRB's consideration.

- **Contrary views of another witness who was present for all interactions.** I would have pointed out that my in-person interactions with [REDACTED] occurred only in the LCA teaching group. I would have pointed out that course-head [REDACTED] was present in every such meeting, that he did not report any such concerns, and that in fact he assessed my conduct favorably. I would also have pointed out that I had considerably more interactions with [REDACTED]—including one-on-one discussions about pedagogy and related matters, as well as casual hallway conversation—putting [REDACTED] in a superior position to evaluate me.
- **Broader interview is overall positive.** I would have pointed out that the full interview is positive.

“Sometimes he's unable to be reasonable.”

/and/

“In conversations, he can be abrasive, arrogant, and stubborn; he is not empathetic to another side or point of view. I've never seen him change his mind in any conversation I've witnessed.”

I believe these statements are attributed to [REDACTED].

- **Limited interactions.** I would have pointed out that I met with [REDACTED] in person solely in the context of the Academic Technology Steering Committee, and I would have shown that there were only two such meetings within the time period of the 2017 FRB. I would have provided a timeline (supported by emails and calendar entries) to support my claim of exactly two such meetings. I would have argued that two meetings provided an insufficient basis for [REDACTED] to evaluate me, particularly as these quotes imply a broader level of familiarity.
- **Contrary views of two other witnesses who were present for all live interactions.** I would have pointed out that [REDACTED] and [REDACTED] were present at all ATSC meetings, that [REDACTED] recalled my participation favorably, and that [REDACTED] did not recall anything negative. I would have pointed out that if my conduct were as flawed as [REDACTED] contends, [REDACTED] would reasonably be expected to recall at least some aspect of my conduct.
- **Contrary to the email evidence.** I would have pointed out that my emails with [REDACTED], all of which I preserved, show a polite and businesslike tone and cannot be characterized as me being unreasonable. As to changing my mind, I would have pointed to BGE018193, specifically, in which I told [REDACTED] that while I

disagreed with IT's recommendation, "it is what it is" and "that's where we end up"—accepting IT's right to make this decision, contrary to [REDACTED] claim that I never change my mind.

- **Broader interview is overall positive.** I would have pointed out that the full interview is positive. In addition, a significant portion of [REDACTED] criticism was outside the scope of what the FRB was supposed to be considering (such as the quality of my teaching or the popularity of my course).
- As to changing my mind, **contrary to other evidence gathered by the FRB.** I would have pointed out the following remarks from faculty and staff about me changing my mind, changing my approach, and accepting other views:
 - [REDACTED] "I've seen him change his behavior." (HBS0018512)
 - [REDACTED] "Accepting of an alternative argument. He agrees to disagree." (HBS0015881)
 - [REDACTED] "Has really learned from being here" "Actually engages in learning how to adjust his behavior" (HBS0018987)

"He's incapable of seeing why his preferred solution can't or won't be implemented."

Attributed to [REDACTED]

- Same as above as to [REDACTED].
- **Contrary to email evidence.** I would have presented my careful, precise emails that specifically evaluate the pros and cons of alternative solutions. As to my 2016 discussion with [REDACTED] about my recommendation that certain course administration tasks be automated, while IT recommended that they remain manual, I would have pointed to the first paragraph of BGE018193 which began with a 130-word summary of IT's recommendation and reasoning—specifically indicating my understanding of why IT recommended against my preferred approach.
- **Calls for supporting evidence not provided.** I would have suggested that the substance of this quote calls for one or more specific examples of circumstances in which I purportedly could not see why my preferred solution couldn't or wouldn't be implemented. The interview notes provide none. For any example [REDACTED] offered, I believe the email record would indicate that I *did* discuss alternatives to my preferred solution.

“He leaves a lot of unproductive work for people since he jumps to solutioning without thinking through implications or engaging others.”

/and/

“He goes off on tangents or down rabbit holes, and he doesn't know as much as he thinks he knows.”

Although a comment related to my tendency to go down rabbit holes was attributed to [REDACTED] [REDACTED] I was unable to identify a source for these purported quotes.

- **Quotes not found in interview notes.** I would have remarked that I was unable to find these quotes in any of the interview notes. I would have questioned who said what appears in the quote, when, and in what context. I would have urged that the quotes be stricken from the report for lack of support in the interview notes. I would have argued that the FRB's mismanagement of quotes—presenting quotes nowhere present in the FRB's records—called into question the FRB's command of its record, its good faith, and the reliability of its findings. I would have urged an inquiry into what FRB process led to the inclusion of quotes not present in the underlying notes.
- **Inconsistent with interviewee's other remarks.** If the second quote had been attributed to [REDACTED], I would have remarked that the quote is contrary to her remark one line above in the interview notes: “So smart; blows everyone out of the water with his knowledge” which is in tension with “doesn't know as much as he thinks he knows.” I also would have raised similar concerns as with Limmer's other remarks, including my limited interactions with her in the relevant time period.

“With his superiors, he has more of a filter.”

I believe this statement is attributed to [REDACTED].

- **Incomplete quote as to “2nd/3rd hand”.** I would have argued that the first and second bullets in the interview notes must be read together, as the answer to a single question, based on both the subject matter of the bullets (logically flowing together) as well as the relationship between the notes and the interview script. I would have remarked that it was improper to remove the speaker's indication that what follows was *not* his personal first-hand knowledge, but rather what he had heard second or third-hand. I would have argued that second- and third-hand rumors should play no role in the FRB's evaluation or report.
- **Incomplete quote as to “as we all probably do.”** I would have remarked that the trailing parenthetical was improperly removed from the speaker's remarks. I would have

remarked that the final five words change the meaning of the sentence to indicating that the supposed weakness is actually no different than what is common among others.

- **Combination of the two removals reverses the meaning of the quote.** I would have argued that the two separate removals are best understood as indicating that the interviewee heard second or third-hand that *other people* might have a particular concern, but that the interviewee *thought they were mistaken* because the supposed defect is actually not different from standard practice by everyone.
- **Broader interview is overall positive.** I would have pointed out that the full interview is positive.
- **Contrary to other evidence gathered by FRB.** Had I had access to the full FRB evidence gathered in interview notes of these and other witnesses, I would have pointed out the myriad examples of people reporting, unprompted, that I was positive to exemplary in my dealing with those of lower status.
 - I would have presented any or all of the following remarks from faculty:
 - [REDACTED] “got along with everybody” (HBS0018975)
 - [REDACTED] “He stands up for people who need others to stand up for [them]”, “Among the most respectful people I know in terms of staff interactions” (HBS0015873)
 - [REDACTED] “shows zero favoritism, whether senior or junior person” (HBS0015506), “acts very nice towards, tries to help the victims/weaker/disadvantaged” (HBS0018975)
 - [REDACTED] “No difference talking to junior colleagues or staff.” (HBS0015506), “no status issues” (HBS0023425), “things he doesn’t need to do but does simply as a great colleague who can” “What me made for [REDACTED] was amazing” (HBS0018987)
 - [REDACTED] “works with difficult FSS’s – message re: lower status folks” and “if he knows you don’t have resources, he will help you” (HBS0018987 page 6), “he helps staff with personal and financial issues in areas where he has expertise” (HBS0013849), “[H]e’s not necessarily more junior than the people he mentors,” giving an example of me mentoring someone who was senior to me. She concluded: “He’s been fantastic with all of his colleagues, junior or senior. He helps with everything – he’s been great working with Doctoral students.” (HBS0015506)
 - [REDACTED] “responsive with both faculty and staff” (HBS0018987)
 - I would have flagged similar praise from staff:

- [REDACTED] “Nothing but positive things to say” and “When I know I will interact with him, I’m glad” (HBS0018512)
- [REDACTED] “good to work with” and “accommodating” (HBS0018512)

I would also have remarked on inadequate representation of IT staff among interviewees. In light of my many interactions with IT, as well as 2015 FRB criticism as to projectors, I would have argued that the FRB was wrong to interview only one IT staff member, and that more IT staff should have been interviewed from among the substantial annotated list I submitted.

If I had had access to [REDACTED] full interview, I would have flagged the line in which [REDACTED] criticized my work to build a system to let [REDACTED] teach independently despite her vision disability (“With [REDACTED] went backwards a bit.”). I would have argued that the extraordinary benefit I provided should be considered when evaluating any supposed “step backwards.” I would have noted the tight timetable – driven both by [REDACTED] teaching schedule, and by HBS’s failure to otherwise make accommodations for her to teach independently. I would have argued that accommodating her disability was more important than any perceived personal slight, particularly because [REDACTED] failed to substantiate her concern with any specifics beyond the conclusory “went backwards a bit.” I would also have argued that the email record shows no sign of any misconduct or even tension. Finally, I would have pointed out that Harvard policies and applicable state and federal laws protected my efforts to assist a colleague with a disability in obtaining reasonable accommodations. I would have questioned which of [REDACTED] remarks were grounded in my protected action related to a colleague’s disability.

Separate from the quotes called out above, I would have remarked on underrepresentation of the positive quotes. I would have determined the proportion of positive remarks—by sentence, clause, or idea—presented in the FRB’s report, versus the proportion of negative remarks. I would have made the same determination in the interview notes. I would have established that the negative remarks were overrepresented by at least a factor of two, and I would have provided coding sheets to substantiate this finding. I would have argued that this overrepresentation of negative remarks was not consistent with the FRB’s duty to summarize the evidence fairly. I would further have compared the number of quotes granted to those interviewees who knew me best (for example unit colleagues and teaching colleagues) versus those who I interacted with only occasionally and briefly.

I would also have called out a selection of positive remarks, from both 2015 and 2017 interviews as well as other evidence the FRB gathered. I would have organized the positive remarks into categories, and I would have used these remarks and categorizes to oppose the FRB’s criticism of my character and conduct. I would have focused my equal treatment of all (some of which I presented above), my willingness to change (also above), and general positive remarks about my character and collegiality:

- [REDACTED]: “excellent colleague”, “very good to exemplary colleague”, “got along with everybody”, “got better snacks for the teaching group meetings”, “gives a ‘green light’ on this” (HBS0018975 page 4)
- [REDACTED]: “Most ethical person I know on the faculty. I completely mean that.” (HBS0015873)
- [REDACTED]: “this is not a person who's looking out only for himself, or who is trying to cut corners or pull a fast one” (HBS0018975 page 5)
- [REDACTED]: “Community Standards - Respect has always been shown”, “Goes beyond the norm” “Always there to help” (HBS0018987)
- [REDACTED]: “very quick to be modest about his teaching ability” (HBS0018987)
- [REDACTED]: “He has a sense of duty and obligation” (HBS0015881)
- [REDACTED]: “He is not at all dishonest; have never seen him play fast and loose.” “What gets Ben up in the morning is making the world a better place – the world, HBS, technology ... whatever. That’s what he’s motivated by.” “[H]e’s motivated by the right things.” “He really hasn’t caused any problems within the unit; we all like and respect him.” (HBS0015506) “unbelievably moral and caring” (HBS0018975)
- [REDACTED]: “No negatives at all”, “He goes out of his way to help me out”, “He’s always super nice and helpful” (HBS0018981)
- [REDACTED]: “As a colleague in the unit, he’s unsurpassed – helpful. ... Always very friendly, open door.” “No issues personally with tone; haven’t observed anything.” “[E]asily does his share of work and the non-contractual things we do for one another.” (HBS0015506)
- [REDACTED]: “above the bar for our standards”, “Honesty++”, “Integrity++”, “Junior faculty look to him”, “Willingness to help colleagues is extraordinary”, “#1 among non-senior faculty” (HBS0018987)
- [REDACTED]: “Overall, incredibly proud to be Ben’s colleague. ... Most generous colleague. Principled. Bluntly honest, and I appreciate blunt honesty. He has never in my experience been anything but supportive and positive as a colleague. I find him a fantastic colleague on intellectual dimensions, personal dimensions, and proud to associate my name with him.” “He is fiercely ethical and determined to use his skills and research To make specifically online markets more fair and more transparent.” “Ben seems to have ... endless capacity to deal with everything that he sees as problematic in the world.” “[T]he more you work with him, the more you like and want to continue to work with him.” “[A] wonderful, honest, and principled colleague.” “I’m a huge fan,

and I fully support him.” (HBS0015506), “100% honest to the core”, “has seemingly endless capacity”, “Absolutely responds to feedback” (HBS0018987)

- [REDACTED]: “really likes the guy, and found him to be really helpful” (HBS0020460)
- [REDACTED]: “he was great to have as a teacher and as a member of the Field 3 teaching group” “responsive with both faculty and staff” “no concerns for collegueship” “he might uphold standards more than most of us in ways that are challenging on us” “he doesn’t cut corners at all” (HBS0018987)
- [REDACTED]: “very strong sense of right and wrong.” (HBS0015506)
- [REDACTED]: “Very thoughtful colleague in talking about teaching and technology”, participation tracker “a remarkable contribution not the school” including for “calling patterns and bias reduction”, “whole body of software freely available that can make people better, and is all available to everyone” (HBS0018981)
- [REDACTED]: “Good colleague and went above and beyond” (HBS0018512)
- [REDACTED]: “Has found Ben to be good to work with” (HBS0018512)
- [REDACTED]: “He has great ideas and they come from a good place” (HBS0018512)

If I had timely received notes from the FRB’s interview of [REDACTED], HBS0015506, I would have remarked on errors including as to facts, as to law (what activities do or do not create what legal liability), as to what the COI Policy does and does not require, and as to my disclosure practices.

28. Please identify the blog post you referred to at 305:8-24 of your deposition transcript; identify the client that commissioned that research and describe in detail the nature and duration of your arrangement with that client, including your compensation; and explain the terms and conditions of any arrangement with that client.

RESPONSE 28:

Plaintiff objects to this interrogatory to the extent that it calls for the substance of communications that are protected by the attorney-client privilege, the work-product doctrine, or the marital privilege. Plaintiff further objects to the interrogatory as overly broad, unduly burdensome, and seeking information that is not relevant or proportionate to the needs of the case. Plaintiff further objects to the interrogatory as unnecessarily invading the privacy interests of others, and seeking information which Plaintiff has committed to keep confidential, particularly the identity of the client. Plaintiff is withholding the name of the client. Subject to

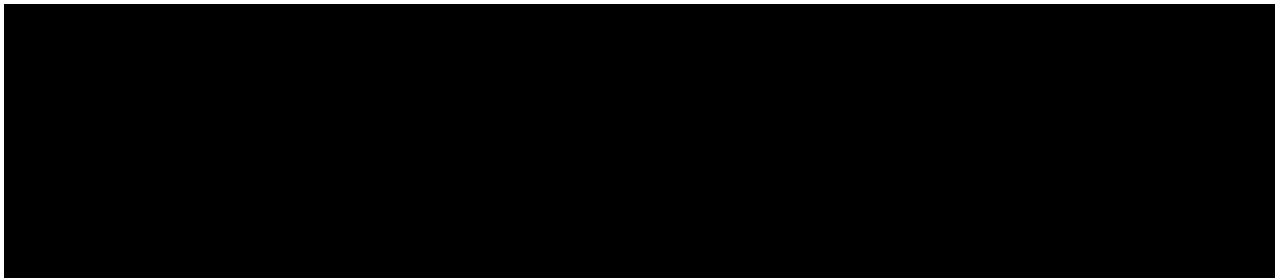
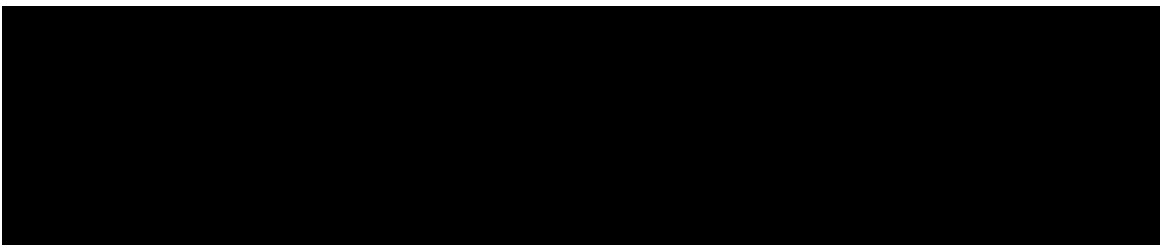
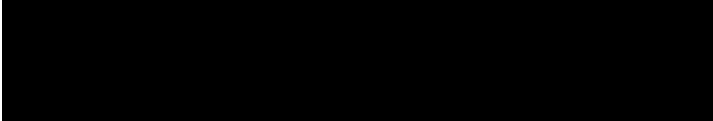
and without waiving these objections, Plaintiff states as follows. Plaintiff designates this response as **CONFIDENTIAL**.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



29. Please describe in detail your communications concerning potential employment with other institutions of higher education, including business schools, or with individuals employed by those institutions, including but not limited to, Boston University, University of Toronto, and University of California-Los Angeles, once you learned that Harvard would not grant your tenure, and include in your response:

- a. The people involved in those communications, the nature of your relationship with them, and who initiated the contact;
- b. The dates of each such contact; and
- c. A description of how your discussions with any such institution or individual

proceeded, including whether the discussion resulted in any offer of employment, and if so, the specific position offered, whether the position was tenure-track, and the compensation associated with the offer.

RESPONSE 29:

Plaintiff objects to this interrogatory to the extent that it calls for the substance of communications that are protected by the attorney-client privilege, the work-product doctrine, or the marital privilege. Plaintiff further objects to the interrogatory as overly broad, vague, ambiguous, unduly burdensome, and seeking information that is not relevant or proportionate to the needs of the case. Subject to and without waiving these objections, Plaintiff states as follows.

I received an email from Marshall Van Alstyne at Boston University on February 21, 2018, and had a call with him the following day. I believe I did not take contemporaneous notes about that call. I believe I inadvertently omitted BU from the tracker in BGE003077 at heading “Unsolicited inquiries.” My focus in that file was tracking the institutions where I most sought affiliation, so updating the Unsolicited portion of that file was a lower priority for me.

My discussion with Joshua Gans of Toronto Rotman began by email on December 9, 2017, and continued with a call the following day, during which I took contemporaneous notes.

My discussion with Ian Larkin of UCLA began with email on January 6, 2018. I have no recollection of speaking with him outside of our emails.

In general, my discussions with Van Alstyne, Gans, and Larkin indicated that each person believed I could obtain a position at his institution. I believe Van Alstyne and Gans indicated that I could spend my “transition year” at their institutions. My general impression was that each thought I could probably obtain a tenured position at his institution, albeit subject to each school’s evaluation process and the inevitable uncertainty. I did not pursue any of these options beyond the stage of initial discussions, because I judged that the opportunity at Microsoft was more attractive. None of the discussions yielded a formal offer of employment, a specific position, or proposed compensation.

In December 2024, I emailed Richard Zeckhauser at the Harvard Kennedy School, based on his prior role evaluating me for a possible position at HKS in 2018. I indicated my interest in returning to academia. I received no reply.

In November 2024, I spoke with Michael Ostrovsky. Nothing in our discussion led me to think a position at the Stanford Graduate School of Business would be possible for me.

In December 2024, I spoke with Al Roth about my employment generally and possible options. Nothing in our discussion led me to think a position at any part of Stanford would be possible for me.

30. Please describe in detail the nature of your compensation from Microsoft for each year of your employment there, and include in your response:

- a. Your base compensation;
- b. Any annual bonus awarded;
- c. The amount of restricted stock units granted;
- d. The vesting schedule for any restricted stock unit granted, including the date that the restricted stock unit was granted and the date in which the restricted stock unit vested (in partial or in full);
- e. The value of the restricted stock unit upon vesting in dollar amounts; and
- f. Whether any part of your compensation package changed during your employment, the basis for the change, and whether and how it impacted your compensation.

RESPONSE 30:

Plaintiff objects to this interrogatory to the extent that it calls for the substance of communications that are protected by the attorney-client privilege, the work-product doctrine, or the marital privilege. Plaintiff further objects to the interrogatory as overly broad, unduly burdensome, seeking information that is not in Plaintiff's possession, and seeking information that is not relevant or proportionate to the needs of the case. Subject to and without waiving these objections, Plaintiff states as follows. Plaintiff designates certain paragraphs (including the table) CONFIDENTIAL as indicated.

The slides in BGE003016 provide Microsoft's offer to me as of spring 2018.

Because of the timing of when I joined Microsoft, relative to their fiscal year, my first "rewards" discussion was in August 2019.

My base compensation rose most years, which I understood to be based on both performance and the standard annual increase. I believe that no employees received a raise in 2023, which I understood to be based on market conditions and stock price, not the performance of any individual. I did not retain organized records of my annual base compensation, except that I believe my annual pay stubs show my total base earnings as the sum of the line items "regular hrs", "vacation", "holistic health", and holiday.

I received an annual bonus each year. The amounts varied and were sometimes above the amount contemplated in BGE003016, and sometimes below that amount. My annual pay stub showed each year's bonus at the line "reward bonus."

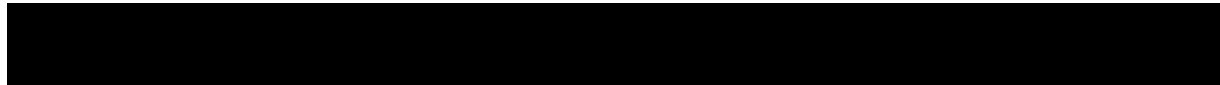
Occasionally Microsoft offered what it called a "special bonus" to all employees, based on market conditions and company performance. In calendar year 2021, this was \$1500. It appears as "special bonus pay" in my 2021 pay stub.

Microsoft sometimes also paid additional amounts for fitness ("Stay Fit"), certain well-being expenses ("Perks Plus"), and commute by bicycle. These payments appear on my pay stub with labels to that effect.

I was granted restricted stock units each year, broadly as anticipated by BGE003016, although the two forms of stock there contemplated (Leadership Stock Award and Stock Award) were later merged into one annual grant. I did not retain organized records of my annual stock grants. When an RSU vested, it was deposited into a Fidelity account Microsoft automatically set up for this purpose. I exported the monthly statements from that file, through end of calendar year 2024 (by which point there were no further vests), and I am producing those statements. Note that all stock deposits to that account are net of income tax withholding; the deposits do not reflect the portion of vesting that is withheld for tax purposes. Note that the same account also received my Employee Stock Purchase Program purchases, which were made from payroll deduction from my after-tax earnings, and are not part of my RSU vesting, but were nonetheless automatically deposited into the same Fidelity account. Deductions for ESPP purchases are reflected on my pay stubs.

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I resigned from Microsoft on August 31, 2024, forfeiting the entirety of the SA stock-based compensation granted for my work from September 2023 to August 2024, as well as portions of prior stock awards.

At various points I attempted to analyze aspects of my historic compensation and possible future compensation. I am producing those analyses. These were intended for my internal use only, and they are not a model of clarity. Based on the complexity of Microsoft stock-based compensation, and my confusion about some aspects of the compensation, I believe the files contain errors. In interpreting the files, it is important to distinguish between historic facts versus future projections. In general the files combine those two, in a way that was potentially useful, but that also has a particularly high risk of being confusing to others. For example, the projections are not necessarily distinguished from historic facts via a distinctive color or other annotation. All projections were eventually overtaken by events—guesses about future bonus, future stock grants, and future stock price performance are now known, but what is now known is typically not reflected in these files because I did not have reason to update the files.

My W2 income typically did not match my Microsoft HR records. I know of at least three reasons for mismatch. One, W2 uses a calendar year basis, while Microsoft HR records are based on the company's fiscal year, from July 1 to June 30. Two, I sometimes participated in Microsoft's "deferred compensation program," which allowed employees to delay receiving certain compensation for tax efficiency or other reasons. Three, stock-based compensation is paid out according to a vesting schedule that crosses calendar years.

Part (d) of the Interrogatory asks about the grant date and vesting schedule for each stock grant. I received a Sign-on Stock Award with grant date of June 15, 2018. I received Annual Stock Awards with grant dates on August 31 of each calendar year beginning 2019. I received Leadership Stock Awards on August 31 of each year beginning 2019, until the abolishment of LSAs. I received a Special Stock Award on February 15, 2024. The LSAs vested in 20 equal slices on a quarterly basis beginning on the grant date. All other stock awards vested in 16 equal slices on a quarterly basis beginning on the grant date.

Signed under the pains and penalties of perjury this ____ day of June, 2025.

Benjamin Edelman

Benjamin G. Edelman

As to objections:

/s/ David A. Russcol
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June 11, 2025