IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN DOE MC-1,

Plaintiff,

v.

THE UNIVERSITY OF MICHIGAN, AND THE REGENTS OF THE UNIVERSITY OF MICHIGAN (official capacity only),

Defendants.
_____/

Case No. 2:20-CV-10568

Hon. Paul D. Borman
Hon. Elizabeth A. Stafford

PLAINTIFF JOHN DOE MC-1'S RESPONSE AND BRIEF IN SUPPORT OF HIS RESPONSE TO DEFENDANTS' MOTION TO CONSOLIDATE CASES AND FOR ORDERED FILING OF A MASTER COMPLAINT

CONCISE STATEMENT OF COUNTER-ISSUES PRESENTED

Issue 1:

Defendants filed a purported Motion to Consolidate this case with all other cases currently filed in this District by plaintiffs who sued the University of Michigan ("UM") and the Regents of the University of Michigan ("Regents") for the sexual abuse committed by former UM physician Robert Anderson. Defendants' motion should be denied for at least three reasons. *First*, Plaintiff already agreed to consolidate all 38 pending cases before this Court, to file a master long-form complaint, and to extend to Defendants' time to file a responsive pleading to Plaintiff's Complaint. *Second*, Defendants' Motion is subterfuge to secure an indefinite delay to avoid responding to Plaintiff's allegations of their supporting role in Anderson's sex abuse. *Third*, Plaintiff, the other male student athletes who are survivors of Anderson's abuse, and the public have an imminent need to know the facts underlying UM's investigation and cover-up of Anderson's sexual abuse of its students.

Under these circumstances, should the Court, pursuant to Federal Rules of Civil Procedure 42(a) and 12(a)(1)(A), enter an Order denying Defendants' Motion and instead: (1) order consolidation of all currently filed cases with this Court; (2) accept as filed, **Exhibit 1**, "Plaintiffs' Master Long-Form Complaint;" and, (3) require Defendants to file an answer or responsive pleading to the Master Long-

Form Complaint within time requirements of the Federal Rules of Civil Procedure?

Plaintiff answers "Yes."

Defendants answer "No."

This Court should answer "Yes."

Issue 2:

By virtue of section (c) of the Defendants' "Conclusion", Defendants seek to dismiss UM as a party to this lawsuit, and all the other lawsuits pending in the Eastern District. Defendants' relief should be denied for at least three reasons. *First*, Defendants seek this relief through the novel tactic of ***not*** filing a motion to dismiss a party under Federal Rule of Civil Procedure 12(b)(6), which is impermissible. *Second*, the Michigan Constitution identifies UM as a state-constitution-created entity which may be sued or sue. *Third*, the Regents and UM's president both admit that UM is an appropriate tortfeasor to be sued in this case.

Under these circumstances, should the Court, pursuant to Federal Rule of Civil Procedure 12(b)(6), enter an Order denying Defendants' requested relief in section (c) of their Conclusion?

Plaintiff answers "Yes."

Defendants answer "No."

This Court should answer "Yes."

CONTROLLING OR MOST APPROPRIATE AUTHORITY

E. D. Mich. Local Rule 7.1(a)

Fed. R. Civ. P. 12(a)(1)(A)

Fed. R. Civ. P. 42(a)

Cantrell v. GAF Corp., 999 F.2d 1007 (6th Cir. 1993)

Mich. Const. art 8, § 4

INTRODUCTION

Defendants title their motion as a purported Motion to Consolidate this case with all other cases currently filed in this District by plaintiffs who sued the University of Michigan ("UM") and the Regents of the University of Michigan ("Regents") for the horrific sexually abusive acts committed by former UM physician Robert Anderson against UM's own student athlete plaintiffs,[1] and to consolidate all of the respective plaintiffs' claims into a master long-form complaint, relying solely on Rule 42(a) and Local Rule 42.1. The day before Defendants filed this motion, and in response to a request for concurrence, counsel for Plaintiff emphatically agreed, both orally and in writing, to consolidate all 38 pending cases before this Court and to file a master long-form complaint. Plaintiff's counsel even suggested the parties file a stipulated motion for an entry of order to reflect this concurrence and to accomplish the goals underpinning Rule 42(a) and Local Rule 42.1.

Yet having achieved by agreement everything that a Rule 42 motion could obtain, Defendants filed this current "Trojan-Horse" Motion for Consolidation as subterfuge to secure an inequitable and indefinite delay, so they can publicly avoid responding to Plaintiff's disturbing revelations of their supporting role in the

[1] Counsel for John Doe MC-1 are the attorneys of record for all 38 cases currently filed in the United States District Court for the Eastern District of Michigan.

Anderson sex abuse scandal. Defendants' audacity is further compounded by the fact ***the parties already voluntarily agreed to a response date in this case of May 3, 2020.*** Of course, the inescapable irony is that Rule 42 is designed to avoid delay, and here the Defendants seek to appropriate Rule 42 to accomplish delay.

Plaintiff (and the public) have an imminent need to know the facts underlying UM's investigation and cover-up of Anderson's sexual abuse of its students. Defendants are attempting to subvert the truth through delay and procedural gamesmanship. With this in mind, Plaintiff respectfully requests this Court deny Defendants' misplaced and disingenuous use of Rule 42 to delay these proceedings; and instead, order consolidation of all currently filed cases with this Court; and accept as filed **Exhibit 1**, "Plaintiffs' Master Long-Form Complaint,"[2] which consolidates all claims of all plaintiffs in an economical and expeditious manner.

STATEMENT OF RELEVANT FACTS AND PROCEDURAL HISTORY

UM's 19-month pre-filing preparation for these cases

On July 18, 2018, a former UM student-athlete wrestler named Tad DeLuca mailed a letter to current UM Athletic Director Warde Manuel complaining that DeLuca had been sexually abused during the course of medical treatments by former

[2] Plaintiffs' Master Long-Form Complaint at **Exhibit 1** includes Plaintiffs' state claims. In some – but not all – of the consolidated cases, the assigned Judges, including this Court, issued Orders dismissing without prejudice Plaintiffs' Counts V-XVIII. Since those claims are still a part of most of the pending cases, Plaintiffs restate them in this Master Long-Form Complaint.

UM physician Dr. Robert Anderson. According to University of Michigan Public Safety and Security Detective Mark West, "Manual (sic) then forwarded this letter to representatives at the *University of Michigan General Counsel's office*, who forwarded the letter to O.I.E, where it was assigned to Heatlie."[3] (emphasis added).

On October 3, 2018, Det. West began investigating DeLuca's allegations against Anderson.[4] Between October 3, 2018 and November 6, 2018, among other things, Det. West: (1) interviewed Deluca and confirmed his allegations against Dr. Anderson[5]; (2) learned from DeLuca that other sports athletes, including football players and cross-country runners called Anderson "Dr. Drop your drawers Anderson"[6]; (3) interviewed Anderson's successor at the Student Health Services (previously known as the University Health Service), Dr. Ernst, who told West "he (Dr. Ernst) has heard rumors about Dr. Anderson throughout his years, one being he performed more exams on males than necessary"[7]; and, (4) interviewed another

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[3] **Exhibit 2**: Excerpt from Report of UM Public Safety Det. Mark West, Case No. 1890303861, 10/3/2018, 11:26 am, at WCP 000003. Apparently, AD Manuel immediately forwarded DeLuca's report to the General Counsel's office and O.I.E. (UM's Office of Institutional Equity) because Det. West's next sentence notes, "Pam Heatlie (of OIE) said that it (DeLuca's letter) has been in her work pile since then." *Id*.

[4] *Id.*

[5] **Exhibit 2**: Excerpt from Report of UM Public Safety Det. Mark West, Case No. 1890303861, 10/8/2018, 11:46 am, at WCP 000004.

[6] *Id.*

[7] **Exhibit 2**: Excerpt from Report of UM Public Safety Det. Mark West, Case No.

former wrestler who told West that Anderson had masturbated him during medical examinations.[8]

On November 6, 2018, Det. West interviewed Tom Easthope, UM's former Vice President of Student Life. After West told Easthope that he was investigating inappropriate behavior between Anderson and a patient, Easthope told West, "I bet there are over 100 people that could be on that list."[9] Easthope also told West that he fired Anderson from the University Health Service "40-50 years ago" for "fooling around in the exam room with boy patients."[10]

Within a day or two later, Det. West told UM's General Counsel's office about his investigation into Anderson. "A couple of days later (after 11/5/18) *Associate General Counsel* Diane Winiarski contacted me to ask what I was looking for in reference to Dr. Robert Anderson. I explained about his demotion from Health Services, and about the senior University official that was able to tell me of his release 'due to fooling around with boys in the exam rooms.'"[11]

1890303861, 10/8/2018, 11:46 am, at WCP 000005.

[8] **Exhibit 2**: Excerpt from Report of UM Public Safety Det. Mark West, Case No. 1890303861, 10/16/2018, 8:33 am, at WCP 000011.

[9] **Exhibit 2**: Excerpt from Report of UM Public Safety Det. Mark West, Case No. 1890303861, 11/6/2018 10:56 am, at WCP000017.

[10] *Id.*

[11] **Exhibit 2**: Excerpt from Report of UM Public Safety Det. Mark West, Case No. 1890303861, 11/19/2018, 11:26 am, at WCP000051.

During Det. West's investigation of the various allegations against Anderson, he noted that many potential witnesses were now deceased given the passage of time. In fact, in one of his report entries, West noted, at least 18 UM administrative, medical, and sports figures -- all "people with a connection" to Anderson -- who were deceased and consequently could not be interviewed.[12]

Anderson victim, Robert Julian Stone, forces UM to go public after 19 months of stalling by UM and its General Counsel's office

On August 21, 2019, 13 months after Tad DeLuca's letter to AD Manuel, Det. West received an email from his supervisor that was forwarded to him from "Dave Masson, general counsel for the University of Michigan."[13] This email was entitled "Anderson's Boys, My Michigan Me-Too Moment, 1971" and dated August 18, 2018.[14] The author, Robert Julian Stone, was a UM graduate who revealed graphic and painful details of being sexually assaulted by Dr. Anderson in 1971.[15]

Over the next six months, Stone waited and heard nothing from UM about his email or any investigation into Anderson. So, in February of 2020, Stone took matters into his own hands and reached out to *The Detroit News* reporter Kim

[12] **Exhibit 2**: Excerpt from Report of UM Public Safety Det. Mark West, Case No. 1890303861, 4/23/19 10:17 am, at WCP000084.

[13] **Exhibit 2**: Excerpt from Report of UM Public Safety Det. Mark West, Case No. 1890303861, 8/22/2019, 1:40 pm, at WCP000085.

[14] **Exhibit 2**: Excerpt from Report of UM Public Safety Det. Mark West, Case No. 1890303861, 8/22/2019, 1:40 pm, at WCP000087-89.

[15] *Id*.

Kozlowski because he feared UM would continue to do nothing about Anderson: "Stone told the News one of the reasons he came forward was that he heard there were other alleged victims and he feared the university and the prosecutor could keep the case open indefinitely, and no one would ever know about the allegations against Anderson."[16] Indeed, UM did not inform the public or its former athletes about the sexual abuse by its employee Anderson until February 19, 2020, 19 hours after Kozlowski and *The Detroit News* began asking questions about Anderson.[17] As Stone noted, "The reason I called (The News) worked…I just wasn't willing to sit here and be stonewalled by these people indefinitely."[18]

The filing of this case by John MC-Doe 1 against UM and the Regents

After Stone and *The Detroit News* publicly exposed the acts of Anderson and UM, Plaintiff John Doe MC-1 filed this lawsuit on March 5, 2020. John Doe MC-1 was the first known lawsuit filed against Defendants regarding their misconduct in the Anderson sex abuse scandal. The day after Plaintiff filed his claim, UM President Mark Schlissel and the Regents issued a public statement that focused on the culpability of Defendant UM:

> We are sorry for the pain caused by ***the failures of our beloved University***…We are profoundly grateful to our courageous alumni who

[16] **Exhibit 3:** "UM knew of sex abuse reports against doctor 19 months before going public," Kim Kozlowski, *The Detroit News*, 2/19/2020.

[17] *Id.*

[18] *Id.*

> have stepped forward ***to hold our University accountable***…We recognize that trust ***in the University*** of has been broken. (emphasis added)[19]

On March 13, 2020, Defendant's General Counsel, specifically Associate Vice President and Deputy General Counsel Patricia Petrowski, agreed to accept service by email of Plaintiff's Complaint (and several other plaintiffs' complaints). Plaintiff's counsel emailed the summons for this case (and others) on March 16, 2020, and so Fed. R. Civ. P. 12(a)(1)(A) required Defendants to answer (or file a motion to dismiss) by April 6, 2020.

Defendants immediately pursue an intentional strategy of delay through multiple and unreasonable requests for extensions to file responsive pleadings

On March 18, 2020, Defendants' lead counsel proposed a tolling agreement to allow UM to delay responding to Plaintiff's Complaint until, at least, ***September 16, 2020*** – a full two years and two months after the DeLuca letter, and twenty-two months after Det. West gave his full briefing to UM's General Counsel on the extent of Anderson's heinous acts on which Plaintiff's Complaint (and currently 37 other complaints) are based.[20] Plaintiff's counsel rejected the proposed tolling agreement as unreasonable given Defendants had been investigating Anderson for over two

[19] **Exhibit 4**: "Statement from the University of Michigan Board of Regents and President Mark Schlissel Re: Reports of misconduct by Dr. Anderson", March 6, 2020.

[20] **Exhibit 5**: Bush to Shea and Cox, 3/18/20, 2:53 pm, with attachment of proposed "Does Tolling Agreement".

years and clearly possessed the information to answer the Complaint without difficulty.

Defense counsel made a second request to delay filing their responsive pleading until ***two months after the unscheduled initial pre-trial conference***. Again, Plaintiff rejected the request as unreasonable, but proposed a compromise: Defendants could receive an additional 30 days (in addition to Fed. R. Civ. P. 12's 21 days) to respond to Plaintiff's complaint if (a) UM agreed to meet with Plaintiff counsel in mid-April, with the possibility of an additional 60 days to answer Plaintiff's complaint if that meeting went well and (b) UM allowed Plaintiff some form of limited discovery to preserve testimony. Defendants did not respond to Plaintiff's proposal.

Defendants' response to Plaintiff's offered compromise gives interesting and troubling insight into UM's defense strategy, which is not rooted in responding to the allegations of Plaintiff's complaint but rather in seeking dismissal of the victims' claims (and absolution of Defendants' knowing complicity in the Anderson sex abuse scandal) through a Rule 12 motion to dismiss. More particularly, Defense counsel replied to Plaintiff's proposal by indicating she would discuss the "30 days plus 60 days with discovery" proposal with her client, but then pointedly added UM did not intend to file an answer to Plaintiff's Complaint, but rather a responsive pleading to dismiss:

> However, in our discussion, ***I used the word "response" to your complaint, not "answer".***[21]

Plaintiff never heard another word about the proposal from Defendants, and the issue of the response deadline fell dormant.

Defendants made a third request for more time to file their responsive pleadings based on "this time of pandemic" and "as a professional courtesy".[22] The next day, Plaintiff's counsel gave Defendants a 30-day extension as a professional courtesy, thereby extending the responsive pleading due date to May 3, 2020.[23]

Just six days after receiving an unconditional 30-day extension, Defendants asked again – their fourth request in 8 days – for another 30-day delay to file their responsive pleading

On March 26, Defense counsel, first by telephone and then by email, "asked whether, given the coronavirus, you would give us an additional 30 days to respond to the complaints" to June 3, 2020 (almost 23 months after the DeLuca letter).[24] The next day, March 27, Plaintiff's counsel refused the stall tactic and explained:

> …Last week, in the spirit of comity and collegiality, we agreed to extend the time for UM to file an answer or response to our complaints from April 3rd to May 3rd. It my understanding from your prior emails that UM has no interest in answering our complaints, but rather, its strategy is to file a motion for judgment on the pleadings or some

[21] **Exhibit 6**: Bush to Cox email, 3/18/20, 4:34 pm at p. 3. Plaintiff's counsel responded, "Please pardon my wordsmithing. Point made and taken." *Id.* at Cox to Bush email, 3/18/20, 4:52 pm at p. 2.

[22] **Exhibit 6**: Bush to Cox email, 3/19/20, 7:42 am, at p. 2.

[23] **Exhibit 6**: Cox to Bush email, 3/19/20, 12:25 pm at p. 1.

[24] **Exhibit 7**: Bush to Cox email, 3/26/20, 1:32 pm.

> motion based on a defense under Rule 12. As we see it, such a response is not fact-dependent and thus can be researched, prepared, and filed remotely based on our currently filed complaints.[25]

Six days later, on April 2, 2020, Defendants propose their 5th request for delay in 17 days - now an indefinite delay - in the guise of this Trojan-horse motion to consolidate

On April 2, 2020, Defense counsel sought Plaintiff's consent on its proposed motion to consolidate and order to file a master complaint pursuant to Fed. R. Civ. P. 42(a) and Local Rule 42.1.[26] Within a few hours, Plaintiff agreed wholeheartedly to the relief stated in motion's caption: consolidation of all plaintiff cases in front of this Court (which was already occurring through *sua sponte* orders of the other judges of the Eastern District) and the filing of a master long-form complaint.[27]

Yet, despite Plaintiff's consent, Defendants filed the motion anyway – disingenuously titling it as a motion for consolidation when all it really sought was to extend the date for Defendants' responsive pleading well-beyond the earlier agreed-upon deadline of May 3, 2020. More specifically, Defendants request the Court to "set the matter for status conference – at which time, the parties will discuss…the University's time and method of response…" and to order that "all prior briefing schedules and response dates in the individual actions are vacated…"

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[25] **Exhibit 8**: Cox to Bush email, 3/27/20, 7:07 pm.

[26] **Exhibit 9**: Linkous to Cook email, 4/2/20 11:18 am at p. 5.

[27] **Exhibit 9**: Cook to Linkous email, 4/2/20 3:39 pm, with proposed stipulated "Order to Consolidate Cases" at p. 1.

Simply put, Defendants will do anything to avoid responding to Plaintiff's Complaint, including the abuse of common motion practice to subvert the federal rules of civil procedure. The Court should resist Defendants' attempt to conceal its misconduct and complicity regarding Anderson's sexual abuse of its students and athletes. Plaintiff demands a complete and timely response to his Complaint.

STANDARD OF REVIEW

"The party seeking consolidation bears the burden of demonstrating the commonality of law, facts or both in cases sought to be combined."[28] Here the Plaintiff agrees with the consolidation of all cases, but objects to the requested indefinite period of time for Defendants to respond to the Complaint(s).

ARGUMENT

I. The Court should deny Defendants' subterfuge motion for an indefinite extension to file its responsive pleading because it causes unnecessary delay and is prejudicial to Plaintiff.

As the Sixth Circuit Court of Appeals has observed, "(c)are must be taken that consolidation does not result in unavoidable prejudice or unfair advantage."[29] Here it is clear that the Defendants only filed this motion for consolidation to get the

[28] *Gamboa v. Ford Motor Co*., 381 F. Supp. 3d 853, 866 (E.D. Mich. 2019).

[29] *Cantrell v. GAF Corp.,* 999 F.2d 1007, 1011 (6th Cir. 1993); *see also Gamboa,* 381 F. Supp. 3d 853, 866 (E.D. Mich. 2019); *see also Baez v. Yourway Express, LLC*, No. SA-17-CV-996-XR, 2017 WL 8811739, *1 (W.D. Texas Dec. 5, 2017) (recognizing courts reject motions to consolidate that would lead to delay, "especially given that [defendant] requests a new scheduling order") (**Appendix 1**).

"unfair advantage" sought in their "Conclusions" sections (f) and (g) to stay "the University's time and method and response" by May 3rd – as Defendants previously and voluntarily agreed to – and (g) vacate the "all prior briefing schedules and response dates", primarily, May 3, 2020.

This is an archetypal example of the gamesmanship that Local Rule 7.1's requirement of seeking concurrence is designed to avoid. "The purpose of Local Rule 7.1(a) is to preclude the incurrence of unnecessary fees, costs and expenses by the party who intends to file the motion where the non-moving party concurs with the relief sought by the party intending to file the motion."[30] Having won concurrence to Rule 42 Consolidation, Defendants still file this motion to *de facto* amend the requirement of Rule 12(a)(1) that "a defendant must serve an answer…within 21 days."

Defendants' motion is an unvarnished grab at undue and unfair strategic advantage in, at least, three very important ways. *First,* Defendants' seek to undo an agreement they requested and freely entered. Having now received the benefit of the bargain – the extra 30 days to respond – they now run to this Court hoping to unduly gain an indefinite amount of time to respond to Plaintiff's Complaint. Aside from the obvious inequity, to grant Defendants' subterfuge motion for adjournment

[30] *Dupree v. Cranbrook Educ. Cmty.,* No. 10-12094, 2012 WL 1060082, at *13 (E.D. Mich. Mar. 29, 2012) (**Appendix 2**).

would chill ordinary negotiations and agreements that lawyers routinely pursue to keep cases on track without judicial intervention. And allowing such conduct to go unchecked will incentivize further gamesmanship.

Second, to grant Defendants' adjournment would not only chill collegiality and incentivize gamesmanship but would amend the 21-day response rule of Rule 12(a)(1)(A).

Third, and most importantly, allowing further delay by the Defendants only exacerbates a current unfair advantage enjoyed by the Defendants as it relates to both discovery in this litigation, and ultimately, the conduct of any trial. Defendants have known about the Anderson allegations since at least July 2018 and spent 19 months conducting internal investigations and fact finding while keeping it a secret from alumni and the public, and more importantly, the student athlete plaintiffs, including John Doe MC-1, all of whom were abused by Anderson. When *The Detroit News* exposed the UM-Anderson story on February 19, 2020, Defendants were effectively 19 months ahead of Plaintiff in fact finding and discovery.

Plaintiff – having been allowed no discovery so far – does not even know yet whether Defendants preserved or destroyed relevant documents that date as far back as the 1960s, including his own medical records. Yet, Defendants' reaction to Plaintiff's Complaint is to seek delay, which effectively prevents Plaintiff from conducting much needed discovery into facts that Defendants have been

investigating since July 2018. And this is done by Defendants knowing that their *own* investigator, Det. West, over 8 months ago, bemoaned the death of, at least, 18 UM employed witnesses who he thought could shed light on the matters at issue here.[31] *and* knowing that Mr. Easthope, a key witness, is well into his 80s, having been a UM vice-president over four decades ago. Further delay here only promotes the unfair advantage the Sixth Circuit warned against in *Cantrell*.

II. This Court should deny Defendants' request to dismiss UM as a Defendant.

By virtue of section (c) of the Defendants' "Conclusion", Defendants seek to dismiss UM as a party to this lawsuit, and all the other lawsuits pending in the Eastern District. Defendants seek this relief through the novel tactic of ***not*** filing a motion to dismiss a party under Fed. R. Civ. P 12(b)(6).[32] This tactic is impermissible, and on that basis alone, Defendants' requested relief in section (c) of their Conclusion must be denied.

But even if Defendants' requested relief is treated as an appropriate Rule

[31] **Exhibit 2**: Excerpt from Report of UM Public Safety Det. Mark West, Case No. 1890303861, 8/22/2019, 1:40 pm, at WCP000084.

[32] A motion to dismiss under Fed. R. Civ. P. 12(b)(6) is the only proper action to take if the Defendants contend that the University of Michigan is not a proper party. *See, e.g. Sandles v. U.S. Marshal's Service*, Case No. 04-72426, 2005 WL 8154851, *2 (E.D. Mich. June 24, 2005) (magistrate's report and recommendation), *report and recommendation modified and accepted*, 2005 WL 8154714 (E.D. Mich. Aug. 8, 2005) (**Appendix 3**).

12(b)(6) motion, their two-sentence footnote, with a drive-by citation to M.C.L. § 390.4, is insufficient to raise a claim for Plaintiff or the Court to address here and is thus waived.[33] And even if Defendants appropriately moved for dismissal, and even assuming the two sentence footnote was an "argument", the fact that the Board of Regents corporate body may be sued does not mean UM is not *also* a proper party to sue here. Indeed, the Michigan Constitution of 1963 identifies UM as a state-constitution-created entity, no different from the state-constitution-created offices of governor, secretary of state, or attorney general – all of which may be sued or sue.[34] UM has sued in its own name as a plaintiff in state court to collect on its bills,[35] and searches of both Pacer.gov and the Michigan state court system demonstrate that when UM is routinely sued in other matters, it does not contest its standing as a party.[36]

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[33] *Kocsis v. Multi-Care Mgmt., Inc.,* 97 F.3d 876, 881 (6th Cir. 1996).

[34] Mich. Const. art 8, § 4. See also M.C.L. § 390.1 where the Legislature continues to recognize the institution of the University of Michigan after the ratification of 1963 Michigan Constitution.

[35] **Exhibit 10**: *University of Michigan v Ebakuwa U. Essien*, Oakland County Circuit Court Case No. 06-073857-cz.).

[36] **Exhibit 11**: Docket sheet for *Lipian v. University of Michigan, et al.,* U.S. District Court, Eastern District of Michigan, Case No. 2:18-cv-13321-AJT-EAS, where plaintiff filed suit on October 24, 2018 against the UM for the sexually abusive acts one of its employees and UM has not sought dismissal based on M.C.L. § 390.4; *see also* **Exhibit 12**: Docket sheet for *Kurashige v. University of Michigan,* Washtenaw Circuit Court, Case No. 16-1111-CD.

Finally, as noted in the Statement of Facts, both the Regents and UM's president both admit that, minimally, the UM is an appropriate tortfeasor to be sued here:

> We are sorry for the pain caused by ***the failures of our beloved University***…We profoundly grateful to our courageous alumni who have stepped forward ***to hold our University accountable***…We recognize that trust ***in the University*** of has been broken. (emphasis added).[37]

CONCLUSION AND RELIEF REQUESTED

Plaintiff John Doe MC-1 respectfully requests that this Court enter an Order:

a. Consolidating Plaintiff John Doe MC-1's case with the cases identified in Defendants' Motion to Consolidate and with other new related complaints filed since Defendants filed their motion, including:

John Doe MC-33 v. University of Michigan et al., No. 2:20-cv-10895;

John Doe MC-34 v. University of Michigan et al., No. 2:20-cv-10868;

John Doe MC-36 v. University of Michigan et al., No. 2:20-cv-10875;

John Doe MC-38 v. University of Michigan et al., No. 2:20-cv-10888;

John Doe MC-39 v. University of Michigan et al., No. 2;20-cv-10889;

b. Assigning the Master Docket and Master File for the consolidated action to Case No. 2:20-cv-10568;

[37] **Exhibit 4**: "Statement from the University of Michigan Board of Regents and President Mark Schlissel Re: Reports of misconduct by Dr. Anderson", March 6, 2020.

c. DENYING Defendants' improper attempt to dismiss UM;

d. Accepting as filed concurrent with this Response, Plaintiffs' Master Long-Form Complaint, attached as **Exhibit 1**;

e. Requiring Defendants to file an answer or responsive pleading to the consolidated complaint within time requirements of the Federal Rules of Civil Procedure;

f. Allowing future plaintiffs represented by Plaintiff John Doe MC-1's attorneys to file short form complaints in the consolidated action in order to join the consolidated action;

g. Awarding Plaintiff John Doe MC-1 attorney fees and costs for having to respond to Defendants' unnecessary motion brought for the improper purpose of causing delay; and

h. Granting such further legal and equitable relief as the Court deems just and proper.

Respectfully submitted,

The Mike Cox Law Firm, PLLC

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Dated: April 17, 2020

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Dated: April 17, 2020

CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2020, I electronically filed the foregoing document with the Clerk of the Court through the CM/ECF system, which will send notices of electronic filing to all counsel of record.

/s/ Mihaela Iosif
The Mike Cox Law Firm,
PLLC Livonia, MI 48152

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EXHIBIT 1

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EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

John Doe MC-1, John Doe MC-2, John Doe MC-3, John Doe MC-4, John Doe MC-5, John Doe MC-6, John Doe MC-7, John Doe MC-8, John Doe MC-9, John Doe MC-10, John Doe MC-11, John Doe MC-12, John Doe MC-13, John Doe MC-14, John Doe MC-15, John Doe MC-16, John Doe MC-17, John Doe MC-18, John Doe MC-19, John Doe MC-20, John Doe MC-21, John Doe MC-22, John Doe MC-23, John Doe MC-24, John Doe MC-25, John Doe MC-26, John Doe MC-27, John Doe MC-28, John Doe MC 29, John Doe MC-30, John Doe MC-31, John Doe MC-32, John Doe MC-33, John Doe MC-34, John Doe MC-35, John Doe MC-36,* John Doe MC-38, and John Doe MC-39, Plaintiffs, v. The University of Michigan, and The Regents of the University of Michigan (official capacity only), Jointly and Severally, Defendants. **MC-37 intentionally omitted.*	Lead Case No. 2:20-CV-10568 Hon. Paul D. Borman Hon. Elizabeth A. Stafford

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MASTER LONG-FORM COMPLAINT AND JURY DEMAND

Plaintiffs, by and through their attorneys, Michael A. Cox, Jackie J. Cook and The Mike Cox Law Firm, PLLC, as well as David J. Shea, Ashley D. Shea and Shea Law Firm PLLC, state for their Master Long-Form Complaint against The University of Michigan (UM) and the Regents of the University of Michigan (Regents), collectively referred to as "Defendants," the following:

I. INTRODUCTION

1. While employed as a physician by UM from 1966 until 2003, Dr. Robert Anderson (Anderson) used his position to repeatedly and regularly sexually assault university students, many of whom were athletes.

2. As early as 1968, or on information and belief even earlier, UM

received complaints from male students about Anderson sexually assaulting them during putative medical examinations.

3. In 1979, UM removed Anderson from his position as University Health Services (UHS) Director after receiving repeated complaints that Anderson was sexually assaulting male students during medical examinations on campus.

4. UM then moved Anderson to the position of full-time Athletic Department physician, and Anderson continued sexually assaulting male student athletes, many of whom were attending UM on athletic scholarships, or with grants-in-aid, or as members of various sports teams, including among others, football, wrestling, hockey, gymnastics, baseball, and track, until he retired in 2003.

5. To UM, the Athletic Department became the perfect place to hide Anderson's past, present, and future sexual abuse of young men from public disclosure. The fact Anderson was given free rein to abuse hundreds – perhaps thousands – of male athletes with impunity was, in the end, a calculated risk worth taking by Defendants for the greater good of UM.

6. Plaintiffs were UM undergraduate students who participated with UM athletic teams.

7. Plaintiffs were required by the UM Athletic Department's leadership to see only Anderson for medical care while participating on UM sports teams, and Anderson sexually assaulted, abused, and molested Plaintiffs, by nonconsensual

genital manipulation and/or digital anal penetration under the guise of medical treatment.

8. Several Plaintiffs, including but not limited to John Doe MC-1, were minors when sexually assaulted, abused, and molested by Anderson.

9. UM is responsible for Plaintiffs' damages stemming from Anderson's sexual assaults on UM's campus, as UM placed vulnerable student-athletes, like Plaintiffs, in Anderson's care despite knowing he was a sexual predator.

10. This is a civil action against UM for declaratory, injunctive, equitable, and monetary relief for injuries sustained by Plaintiffs as a result of the acts, conduct, and omissions of Defendants in their official capacity, and their respective employees, representatives, and agents relating to sexual assault, abuse, molestation, and nonconsensual sexual touching and harassment by Anderson against Plaintiffs while UM students.

11. Plaintiffs file this case anonymously because of the extremely sensitive nature of the case as Plaintiffs were victims of sexual assault, and the suit will require disclosure of information "of the utmost intimacy"; Plaintiffs are therefore entitled to protect their identity in this public filing by not disclosing their names. *Doe v. Porter*, 370 F.3d 558, 560 (CA 6, 2004), citing *Doe v. Stegall*, 653 F.2d 180, 185–86 (CA 5, 1981).

II. JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 as this is a civil action arising from the Constitution, laws and treaties of the United States, including but not limited to, Title IX of the Educational Amendments of 1972, 20 U.S.C. § 1681, *et seq*., and the Fourteenth Amendment of the United States Constitution pursuant to 42 U.S.C. § 1983.

13. This Court has original subject matter jurisdiction under 28 U.S.C. § 1343 as this is a civil action authorized by law brought by persons to redress the deprivation, under color of a State Law, statute, ordinance, regulation, custom or usage, of a right, privilege or immunity secured by the Constitution of the United States or by an Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States, and a civil action to recover damages or to secure equitable relief under an Act of Congress providing for the protection of civil rights.

14. This Court also has supplemental jurisdiction under 28 U.S.C. § 1367(a) to hear and decide claims arising under state law that are so related to the claims within the original jurisdiction of this Court that they form part of the same case or controversy.

15. The claims are cognizable under the United States Constitution, 42 U.S.C. § 1983, 20 U.S.C. § 1681 *et seq*., and under Michigan Law.

The amount in controversy exceeds the jurisdictional minimum of $75,000.00.

16. The events giving rise to these consolidated lawsuits occurred in Washtenaw County, Michigan which sits in the Southern Division of the Eastern District of Michigan.

17. Venue is proper in the United States District Court for the Eastern District of Michigan, pursuant to 28 U.S.C. § 1391(b)(2), in that this is the judicial district in which the events giving rise to the claims occurred.

18. Plaintiffs' original Complaints were timely filed within the applicable statutes of limitations and under M.C.L. § 600.6431(3).

19. Plaintiffs file a Master Long-Form Complaint under Federal Rule of Civil Procedure 42(a), for pretrial purposes only, as these cases involve "a common question of law or fact."

III. PARTIES

20. Plaintiff MC-1 is a resident of the State of Michigan.

21. Plaintiff MC-2 is a resident of the State of Michigan.

22. Plaintiff MC-3 is a resident of the State of Michigan.

23. Plaintiff MC-4 is a resident of the State of Michigan.

24. Plaintiff MC-5 is a resident of the State of Michigan.

25. Plaintiff MC-6 is a resident of the State of Michigan.

26. Plaintiff MC-7 is a resident of the State of New Jersey.

27. Plaintiff MC-8 is a resident of the State of Michigan.

28. Plaintiff MC-9 is a resident of the State of Michigan.

29. Plaintiff MC-10 is a resident of the State of New Jersey.

30. Plaintiff MC-11 is a resident of the State of Michigan.

31. Plaintiff MC-12 is a resident of the State of New York.

32. Plaintiff MC-13 is a resident of the State of Michigan.

33. Plaintiff MC-14 is a resident of the State of Colorado.

34. Plaintiff MC-15 is a resident of the State of Michigan.

35. Plaintiff MC-16 is a resident of the State of Michigan.

36. Plaintiff MC-17 is a resident of the State of Illinois.

37. Plaintiff MC-18 is a resident of the State of Michigan.

38. Plaintiff MC-19 is a resident of the State of Michigan.

39. Plaintiff MC-20 is a resident of the State of North Carolina.

40. Plaintiff MC-21 is a resident of the State of Michigan.

41. Plaintiff MC-22 is a resident of the State of California.

42. Plaintiff MC-23 is a resident of the State of Michigan.

43. Plaintiff MC-24 is a resident of the State of Michigan.

44. Plaintiff MC-25 is a resident of the State of Florida.

45. Plaintiff MC-26 is a resident of the State of Ohio.

46. Plaintiff MC-27 is a resident of the State of Michigan.

47. Plaintiff MC-28 is a resident of the State of Florida.

48. Plaintiff MC-29 is a resident of the State of Florida.

49. Plaintiff MC-30 is a resident of the State of Michigan.

50. Plaintiff MC-31 is a resident of the State of Michigan.

51. Plaintiff MC-32 is a resident of the State of Texas.

52. Plaintiff MC-33 is a resident of the State of Florida.

53. Plaintiff MC-34 is a resident of the State of Michigan.

54. Plaintiff MC-35 is a resident of the State of Michigan.

55. Plaintiff MC-36 is a resident of the State of California.

56. Plaintiff MC-38 is a resident of the State of Michigan.

57. Plaintiff MC-39 is a resident of the State of Michigan.

58. UM is a public university organized and existing under the laws of the State of Michigan.

59. UM is an "institution established in this state and known as the University of Michigan, is continued under the name and style heretofore used" under M.C.L. § 390.1: accordingly, UM is a legal entity separate and district from its Board of Regents.

60. Mich. Const., art. 8, § 4, provides that the Legislature "shall appropriate moneys to maintain the University of Michigan," not to UM's governing board,

which is recognized as a separate and distinct body corporate from UM under Mich. Const., art. 8, § 5.

61. UM also receives federal financial assistance and is therefore subject to Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a).

62. The Regents of UM is a body corporate with a right to be sued, vested with the government of the university. M.C.L. § 390.3 and 390.4.

63. Defendants are not immune from suit under the Governmental Tort Liability Act, M.C.L. § 691.1401, *et seq*., or any other statute.

IV. COMMON FACTUAL ALLEGATIONS

64. From 1966 until 2003, Anderson was a physician employed by UM treating students on UM's Ann Arbor campus, during which time UM gave Anderson unfettered access to young college students, including young male athletes.

65. On information and belief, UM hired Anderson on or about September 1, 1966 as the Clinical Instructor in Internal Medicine and Clinical Instructor in Surgery for UM's Medical School and the Senior Physician of UHS; Anderson was also the Athletic Department's physician and gave physicals and administered other purported medical care to student-athletes.

66. It was sometime soon after beginning employment with UM that, according to the public statement of Ambassador Ron Weiser, the current chair of

UM's Regents, Anderson abused Ambassador Weiser while Weiser was a freshman wrestler at UM.

67. On or about October 1, 1968, UM promoted Anderson to UHS Director, and allowed Anderson to continue his work as the Athletic Department's primary care physician and team physician for many of UM's athletic teams.

UM was warned in 1968 by an undergraduate student that Anderson was a sexual predator.

68. In 1968 or 1969, a gay UM student, Gary Bailey, went for an examination by Anderson, an examination that Bailey later described to the Detroit News as "very traumatic."

69. Bailey states "he (Anderson) had me drop my pants, he felt my penis and genitals, and subsequently, he (Anderson) wanted me to feel his (Anderson's) penis and genitals." Bailey further states, "Back then you did not question a doctor's authority…He asked me to pull on his penis."

70. Bailey filed a written complaint with UHS complaining that Anderson had dropped his pants and asked him to fondle his genitals during the exam.

71. No one from UHS or any other UM agency followed up with Bailey or contacted him as part of an investigation into Bailey's written sexual assault complaint.

72. On information and belief, UM never acted on and/or investigated Bailey's complaint against Anderson.

73. In 1973, Anderson fondled the genitals of another undergraduate man to the point of ejaculation. The complainant reported this incident in 1994 to the predecessor of Michigan's Department of Licensing and Regulatory Affairs (LARA).

74. On information and belief, in the ordinary course of a reported sexual assault by a regulated professional, LARA would have contacted UM as Anderson's employer. Yet, UM took no action and continued to employ Anderson until his voluntary retirement in 2003.

UM was warned again in 1975 by an undergraduate student athlete that Anderson was a sexual predator.

75. UM's head wrestling coach in 1975, Bill Johannesen, admitted that whenever one of his wrestlers went to Anderson they had to "drop their drawers" even if the injury was to the wrestler's elbow.

76. In 1975, Tad Deluca, a UM student and scholarship athlete on UM's wrestling team, gave notice of Anderson's sexual misconduct in a 10-page letter to Coach Johannesen, complaining, among other things, that "Something was wrong with Anderson, regardless of what you are there for, he ***insists*** that you 'drop your drawers and cough" (emphasis added).

77. Neither UM, Coach Johannesen, nor any agents of UM investigated Deluca's complaints about Anderson's sexual assaults; instead Coach Johannesen revoked Deluca's athletic scholarship and kicked him off the wrestling team.

78. Deluca appealed to then Athletic Director Don Canham and provided him with a copy of the letter sent to Coach Johannesen, giving Director Canham direct and explicit notice of the allegations against Anderson.

79. Director Canham refused to investigate the sexual abuse complaints against Anderson, and instead upheld the revocation of Deluca's athletic scholarship.

80. Deluca had to hire an attorney and appeal to UM's Board of Intercollegiate Athletics before his scholarship was reinstated.

81. On information and belief, UM's Board of Intercollegiate Athletics concluded DeLuca's allegations were credible. Yet UM still did nothing to stop Anderson from sexually abusing its students and athletes.

UM was warned again in 1976 by a track athlete that Anderson was a sexual predator.

82. Plaintiff John Doe MC-16 attended UM in the 1970s on athletic scholarship.

83. Anderson repeatedly groped John Doe MC-16's genitals (and digitally penetrated his anus) during approximately 25 visits to Anderson for a variety of illnesses and injuries.

84. After one of those visits in 1976, John Doe MC-16 approached both his head coach, Jack Harvey, and assistant coach, Ron Warhurst, and told them that Anderson was touching and groping his genitals during Anderson's medical examinations. At the time, John Doe MC-16 was too embarrassed to tell his coaches

about Anderson's digital penetration of his anus.

85. After reporting Anderson's conduct to Coach Harvey and Coach Warhurst, John Doe MC-16 asked to go to another physician so he could get medical assistance for his injury(s).

86. Both Coach Harvey and Coach Warhurst laughed at John Doe MC-16's complaint and refused to send him to a different physician.

87. During this same period in the mid-1970s, numerous track athletes called Anderson "pants down doctor."

UM was warned again in 1979 by a graduate student that Anderson was a sexual predator.

88. According to records of the Washtenaw County Prosecutor's Office, in 1979, a then-graduate student at UM was seen by Anderson at UHS and reported that Anderson "gave undue attention to my genitals and rectal area. It was very physically and socially uncomfortable…he inserted his finger into my rectum for a period that was longer than any other hernia or rectal evaluation."

89. This graduate student complained loudly to the desk clerk at UHS, and then to an administrator, both of whom "dismissed" him and ordered a security guard to escort the student out of UHS, instead of investigating his allegation against Anderson.

UM was warned again around 1979 by a UM Student Life employee and activist that Anderson was a sexual predator preying on gay students.

90. In 1979, a UM Student Life employee and local UM activist told his boss, Tom Easthope, the then-Vice President of Student Life at UM, that Anderson had assaulted several members of the gay community at UM.

91. Vice President Easthope, who had supervisory oversight of UHS, believed from his employee's account that Anderson was "fooling around with boys in the exam room."

92. Indeed, the same UM Student Life employee who made the report to Easthope had personal knowledge of Anderson's abuse: when he was examined by Anderson during a routine physical, Anderson stuck his finger in his anus, and when he jumped from pain and discomfort, Anderson stated, "I thought that YOU would have enjoyed that!"

UM acknowledged in 1979 that Anderson was a sexual predator.

93. Based on the information reported to him, Easthope decided to terminate Anderson, even though he was nervous about doing so because Anderson was "big shot" at UM.

94. Easthope confronted Anderson directly with the accusation he was sexually molesting male students in the exam rooms, and Anderson did not deny it.

95. Easthope told Anderson, "You gotta go."

96. After firing Anderson, Easthope decided to allow Anderson to resign

his position to avoid an employee termination fight which would delay Anderson's departure from UHS and presumably UM.

97. Neither Easthope nor his superiors or subordinates followed up to ensure that Anderson left UM after his severance from UHS.

98. When Easthope was recently confronted about Anderson, Easthope claimed he was unaware UM continued to employ Anderson as a physician after 1979 and estimated "I bet there are over 100 people that could be on that list (of young men abused by Anderson)."

99. According to UM human resource records, instead of terminating Anderson, UM "demoted" him effective January 14, 1980 and moved Anderson to the Athletic Department to be its primary care physician.

100. According to longtime UM athletic trainer Russell Miller, Athletic Director Canham, a legendary and powerful figure at the UM, "worked out a deal" to bring Anderson over to the Athletic Department.

101. Dana Mills, the then Administrative Manager at UHS, said the "V.P.'s Office" would have been responsible for Anderson's transfer to the Athletic Department.

102. Anderson was highly regarded as a university physician, especially by leaders in the Athletic Department, including a longtime UM athletic trainer who called Anderson an "unbelievable team doctor"; another UM athletic trainer who

called Anderson "very incredible"; and one longtime coach of the UM football coaching staff during the 1980s, 1990s, and 2000s who called Anderson "a tremendous asset."

103. Indeed, UM went so far as to overtly and fraudulently conceal Anderson's predatory sexual conduct against college age males and the reason for his termination/demotion, by praising Anderson in the published Acknowledgement preface of Volume III of the President's Report of THE UNIVERSITY OF MICHIGAN for 1979-1980.

104. UM outrageously lied in this publication by telling the public: "The University Health Service staff wish to acknowledge the 11 years of leadership provided by Robert E. Anderson, M.D. In January of 1980, Anderson resigned as Director of the University Health Service to devote more time to his clinical field of urology/andrology and athletic medicine…his many contributions to health care are acknowledged…The University Health Service staff wish to thank Anderson for his years of leadership and to dedicate the Annual Report to him."

105. UM outright lied when it described Anderson's departure as voluntary and concealed his known and admitted sexual abuse of students by audaciously lauding his "leadership" when UM and its executives knew that (a) Easthope fired Anderson for his sexual assaults on male students, and (b) Anderson's termination was changed to a written demotion in his human resources file, through the efforts

of Athletic Director Canham and other "V.P.s," so Anderson could transfer to the Athletic Department.

106. After UM "demoted" the "big shot" Anderson to work full-time at the Athletic Department, Anderson had access to hundreds of male scholarship athletes (as well as non-scholarship male athletes), many from middle or working class families who could not afford to attend UM without an athletic scholarship, and were trained to unquestioningly endure physical and emotional discomfort without complaint in order to compete in their sport.

107. The demotion gave Anderson free reign to abuse hundreds of male athletes like Plaintiffs with impunity.

108. After his demotion for sexually abusing students on campus, Anderson was propped up for decades as "the" medical authority of the athletic department, including the football team, by authority figures of the UM athletic department, including its athletic director, Don Canham.

UM's condoning of Anderson's assaultive conduct is further shown by trainer Paul Schmidt's comments to a freshman football player in the 1980s.

109. Plaintiff John Doe MC-27 attended UM in the 1980s and 1990s on an athletic scholarship for football.

110. During John Doe MC-27's first freshman football physical examination by Anderson, Anderson groped, fondled, and cupped John Doe MC-27's genitals for an excessively long time while Anderson's face was within inches of his genitals.

111. As John Doe MC-27 exited the examination room, he was greeted by longtime UM trainer Paul Schmidt, who looked at John Doe MC-27, laughed, and stated "get used to that (Anderson's examination)."

112. The other athletic trainers laughed as well, and it was clear to John Doe MC-27 that Schmidt and the other trainers knew that Anderson was engaging in nonconsensual genital manipulation and/or digital anal penetration of student-athletes.

113. Mr. Schmidt is still employed by UM and, on information and belief, is currently the Assistant Athletic Director for the Athletic Department.

Evidence of Anderson's continued authority and influence within the Athletic Department and UM's failure to act despite repeated assaults and reports of repeated assaults.

114. It is a sign of Anderson's power and influence at UM that mandatory student-athlete physicals were adopted by UM only after Anderson recommended them, which, of course, gave Anderson increased access to male student-athletes.

115. It is a further sign of Anderson's power and influence at UM that Anderson travelled with UM's vaunted football team, stayed in the football team's hotel as part of the Athletic Department's traveling party, was included in every football team end-of-year bowl VIP traveling entourage, and was a fixture on the sidelines during Michigan's nationally televised football games.

116. Archived records at the UM's Bentley Library illuminate Anderson's

influence within the Athletic Department by documenting Anderson's quashing of a proposal to allow student-athletes more latitude in choosing doctors other than Anderson.

117. Anderson remained in a position of power and authority within the Athletic Department even though written exit evaluations by graduating senior athletes routinely gave Anderson poor grades for his treatment of the student-athletes he preyed on.

118. Anderson treated UM athletes for every medical ailment, complaint, and injury as their UM-assigned primary care physician. He served as their first medical point of contact no matter the injury or ailment at issue, including everything from a cold to the flu to broken bones. UM gave Anderson unfettered access to sexually abuse its student-athletes until Anderson elected to retire in 2003.

119. Because UM took no action to investigate the complaints from students that began as early as 1968, and took no corrective actions even after Easthope attempted to fire Anderson in 1979, students and student-athletes were needlessly and sexually assaulted, abused and molested by Anderson through nonconsensual digital anal penetration and nonconsensual sexual touching of genitals.

120. The students he abused did not understand (as UM did) the nature of the treatment Anderson administered, or rather that his putatively necessary medical treatment was not offered to heal them but rather to satisfy Anderson's sexual

perversions.

121. In particular, because so many were victimized, student-athletes "normalized" Anderson's abuse and accepted it as part of what they had to endure as an athlete already under intense, grueling training and physical demands, and, consequently, they did not identify Anderson's conduct as sexual abuse at the time it occurred.

122. Although uncomfortable with the treatments, the student-athletes were led to believe by those in authority, including Athletic Director Canham, coaches and trainers, and Anderson himself, that the treatments were medically necessary or helpful.

123. On July 18, 2018, UM alumnus, Tad Deluca, sent a letter to Warde Manual, UM Athletic Director, notifying Manual—as he did Don Canham in 1975—of Anderson's sexual assault while Deluca was a student at UM from 1972 to 1976.

124. On information and belief, although UM requested its campus police department open a non-public investigation in response to Mr. Deluca's letter to Athletic Director Manual, it took no further action to notify former students and/or the public about the allegations, Anderson's long history of sexual abuse of UM's students and student-athletes, and/or its investigation until compelled to do so by the Detroit News 19 months later.

125. As UM President Schlissel admitted on February 20, 2020, "Our (UM)

police found indications that U-M staff members were aware of rumors and allegations of misconduct during Anderson's medical exams."

126. As stated above, at least one of UM's Board of Regents had personal knowledge that Mr. Deluca's written allegations received on July 18, 2018 were true: Ron Weiser, chairman of the UM Board of Regents.

127. Another member of the UM Board of Regents, Regent Paul Brown, recently stated publicly that three members of his family who were student-athletes at UM were also sexually assaulted by Anderson.

128. Nonetheless, neither UM nor the Board of Regents took any steps to notify the public or its alumni student-athletes about Anderson's abuse until compelled to do so by the press in February 2020.

129. UM and the UM Board of Regents' 19-month delay in notifying the public and alumni about Anderson's abuse of student-athletes is consistent with the pattern of UM's recent reactions to sexual abuse allegations: for several years, Defendants have been under intense media, public, legal, and governmental scrutiny regarding their mishandling of sexual harassment and sexual assaults committed by faculty members, including, but not limited to Professor David Daniels; several Title IX complaints by students in recent years; and complaints of sexual misconduct and inappropriate behavior against Provost Martin Philbert.

130. At all relevant times, Anderson maintained an office at UM in Ann

Arbor, Michigan.

131. At all relevant times, including the years 1966 to 2003, Anderson was acting within the course and scope of his employment or agency with UM.

132. At all relevant times, Defendants were acting under color of law, to wit, under color of statutes, ordinances, regulations, policies, customs, and usages of the State of Michigan and/or UM.

133. As UM President Schlissel has stated, "The patient-physician relationship involves a solemn commitment and trust."

134. Because UM took no action to investigate complaints since 1968, took no corrective action to stop Anderson's abuse, and knew of Anderson's sexual abuse of male students under the guise of medical treatment which put him in a position to commit further acts of genital manipulation and digital anal penetrations of male college athletes between 1966 and 2003, UM knowingly placed Plaintiffs in a position where they would likely be sexually abused.

135. And because of UM's failure to act, despite its knowledge that Anderson was preying on male college students under the guise of medical treatment, Plaintiffs were in fact sexually assaulted, abused and molested by Anderson by nonconsensual digital anal penetration and sexual touching of the genitals.

136. Plaintiffs' assaults could have and would have been prevented if UM

had acted on and/or investigated complaints against Anderson that UM had notice of as early as 1968.

137. Many, if not most, of Plaintiffs' assaults could have and would have been prevented if Defendants fired Anderson in 1979 when he was confronted by his supervisor about sexually assaulting students on campus.

138. The assaults on Plaintiffs could have and would have been prevented if UM had told Plaintiffs (or their parents) of the allegations of sexual molestation made against Anderson, as Plaintiffs would have chosen to attend another school, or required Anderson to be properly monitored by trained Athletic Department supervisors, such as Plaintiffs' coaches and trainers.

139. UM failed to do anything to prevent Plaintiffs' sexual abuse.

140. Through Anderson's position with UM and his notoriety and respect in the UM community, particularly among high-ranking UM coaches and administrators, Anderson used his position of authority as a medical professional to abuse Plaintiffs without any supervision by UM.

141. All of Anderson's acts were conducted under the guise of providing medical care at his office at UM.

V. PLAINTIFFS' SPECIFIC FACTUAL ALLEGATIONS

142. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs while the allegations specific

to each individual Plaintiff are stated, in turn, below.

143. References in Section "V. Plaintiffs' Specific Factual Allegations" to a singular "Plaintiff" refer to the specific John Doe identified in the bolded, underlined title immediately preceding that "Plaintiff" reference.

JOHN DOE MC-1

144. Plaintiff grew up in a blue-collar neighborhood with a large family.

145. In his senior year in high school, although Plaintiff was recruited by numerous prominent Division I wrestling programs, UM had the inside track because Plaintiff always wanted to be part of the Maize and Blue.

146. Plaintiff's parents consented to their minor son attending UM on an athletic scholarship only after UM's head wrestling coach sat in the living room of Plaintiff's home and promised Plaintiff's parents that he and his coaches would "take care of their son."

147. Because Plaintiff was a part of a large blue-collar, working class family with many siblings, the only way Plaintiff could afford to attend a four-year college was through an athletic scholarship.

148. When Plaintiff arrived on campus in the 1980s on a wrestling scholarship, Anderson was introduced to Plaintiff and the other new players by coaches and staff as the team's doctor.

149. Just like all the coaches, athletic trainers, and even academic advisors

who made up the UM wrestling team staff, so too was Anderson presented to players, including Plaintiff, as "their" doctor.

150. When Plaintiff arrived on campus as a freshman, he saw Anderson for a physical exam which was required for participation with the wrestling program.

151. At the time, he was a 17-year old minor when he was first sexually assaulted by Anderson.

152. The assaults – including nonconsensual and digital anal penetration and genital fondling and manipulation – continued while he was an undergraduate student.

153. While Plaintiff attended UM and participated on the wrestling team as an undergraduate, he saw Anderson approximately 10 times a year (or 50 times over the course of his career) for physicals and various medical issues, including mat herpes (a common skin condition for wrestlers), fractured noses, a cyst, ankle and knee injuries, and common colds and flus.

154. While Plaintiff was in the wrestling program and attending UM, Anderson was his exclusive primary care physician.

155. Indeed, Anderson was the only primary care physician Plaintiff was allowed to see as a student-athlete on scholarship.

156. And since UM was responsible for the medical care of its student-athletes, Anderson's services were readily available to Plaintiff and free of charge.

157. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the wrestling team, to see Anderson for all their medical needs.

158. It was further required and expected that all wrestlers not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

159. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

160. Even during summers between academic years when Plaintiff lived in Ann Arbor and worked at summer camps hosted by the wrestling program, Plaintiff was still directed to see Anderson for any ailments and injuries.

161. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep wrestlers off the wrestling mat under the guise of a diagnosis, and thus place Plaintiff's scholarship (and his opportunity for a college degree) in jeopardy if Plaintiff did not comply with Anderson's methods and orders.

162. Since staying on the team was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

163. During most of Plaintiff's appointments with Anderson during the five

years he studied at UM, including summers when he worked in Ann Arbor, Anderson sexually assaulted, abused, and molested Plaintiff, by inflicting nonconsensual digital anal penetration and genital fondling.

164. Not once did Plaintiff see Anderson for issues related to his genitals or anus; yet most of the times that Anderson treated Plaintiff, Anderson required Plaintiff to drop his pants so Anderson could digitally penetrate his anus and fondle his genitals.

165. One illustrative incident occurred when Plaintiff scratched his arm while wrestling on the mat during a summer training session, and he was told by leadership to see Anderson about the bleeding. During his appointment for his arm, Anderson told Plaintiff to drop his pants, and Anderson sexually assaulted, abused, and molested Plaintiff by nonconsensual, digital penetration of his anus and then fondling his genitals. Plaintiff still has the scar on his arm today as a reminder of that day.

166. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his rigorous wrestling regimen to do as he was ordered by those in positions of authority.

167. Indeed, the physical and emotional rigors of wrestling require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

168. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

169. Anderson assaulted and abused Plaintiff on UM's campus on at least 35 occasions, or 70 total acts of nonconsensual anal penetration and genital fondling, when Plaintiff was between 17 and 22 years old.

170. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

171. When the abuse began, Plaintiff, a 17-year old minor alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

172. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-2

173. Plaintiff grew up in a blue-collar neighborhood.

174. In high school, Plaintiff was a talented football player and always wanted to be part of the UM football program.

175. In his senior year in high school, Plaintiff was recruited by numerous prominent Division I football programs, including Notre Dame.

176. The UM coaches convinced Plaintiff and his parents to join the Michigan legacy and tradition and play football for UM. Plaintiff was proud to attend Michigan and proud to be part of the tradition.

177. Plaintiff's parents encouraged their son to attend UM on an athletic scholarship to play football, believing the coaches would take care of their son.

178. Because Plaintiff was part of a working-class family, the only way Plaintiff could afford to attend a four-year college was through an athletic scholarship.

179. When Plaintiff arrived on campus in the 1980s in the summer before his freshman year for football camp, Anderson was introduced to Plaintiff and the other new players by coaches and staff as the team's doctor.

180. Just like all the coaches, athletic trainers, and even academic advisors who made up the UM football team staff, so too was Anderson presented to players, including Plaintiff, as "their" doctor.

181. When Plaintiff arrived on campus, Plaintiff saw Anderson for a physical exam which was required for participation with the football program.

182. At the time, he was only an 18-year old freshman when he was first sexually assaulted by Anderson.

183. The assaults – including nonconsensual and digital anal penetration and genital fondling and manipulation – continued while he was an undergraduate student.

184. While Plaintiff attended UM as an undergraduate and participated on the football team, he saw Anderson multiple times a year (or over a dozen times over the course of his career) for physicals and various medical issues, including but not limited to broken bones in his hand, arm, and knee, strep throat, and common colds and flus.

185. While Plaintiff was in the football program and attending UM, Anderson was his exclusive primary care physician.

186. Indeed, Anderson was the only primary care physician Plaintiff was allowed to see as a student-athlete on scholarship.

187. And since UM was responsible for the medical care of its student-athletes, Anderson's services were readily available to Plaintiff and free of charge.

188. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the football team, to see Anderson for

all their medical needs.

189. It was further required and expected that all football players not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

190. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches and trainers, whether it be regarding exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

191. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep football players off the football field under the guise of a diagnosis, and thus place Plaintiff's scholarship (and his opportunity for a college degree) in jeopardy if Plaintiff did not comply with Anderson's methods and orders.

192. Since staying on the team was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

193. During most of Plaintiff's appointments with Anderson during the five years he studied at UM, Anderson sexually assaulted, abused, and molested Plaintiff by inflicting nonconsensual digital anal penetration and genital fondling.

194. Plaintiff believed that the digital anal penetration and genital fondling was Anderson being "thorough" and Plaintiff believed that it was what was required and expected of a "good" doctor.

195. In one illustrative example, Plaintiff recalls being told to see Anderson when he had strep throat, and during this appointment, Anderson violated Plaintiff with digital anal penetration and genital fondling.

196. Not once did Plaintiff see Anderson for issues related to his genitals or anus; yet most of the times that Anderson treated Plaintiff, he required Plaintiff to drop his pants so Anderson could digitally penetrate his anus and fondle his genitals.

197. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his rigorous football regimen to do as he was ordered by those in positions of authority.

198. Indeed, the physical and emotional rigors of football require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

199. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

200. Anderson assaulted and abused Plaintiff on UM's campus on multiple occasions through nonconsensual digital anal penetration and genital fondling when

Plaintiff was between 18 and 22 years old.

201. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

202. When the abuse began, Plaintiff, an 18-year old alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

203. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-3

204. Plaintiff grew up near Detroit in a blue-collar family.

205. In high school, Plaintiff was an All-State football player and always wanted to be part of the UM football program.

206. Plaintiff's parents encouraged their son to attend UM on an athletic

scholarship to play football, believing the coaches would take care of their son.

207. Because Plaintiff was a part of a working-class family, the only way Plaintiff could afford to attend a four-year college was through an athletic scholarship.

208. When Plaintiff arrived on UM's campus in the 1980s, Anderson was introduced to Plaintiff and the other new players by coaches and staff as the team's doctor.

209. Just like all the coaches, athletic trainers, and even academic advisors who made up the UM football team staff, so too was Anderson presented to players, including Plaintiff, as "their" doctor.

210. When Plaintiff arrived on campus as a freshman, he saw Anderson for a physical exam which was required for participation with the football program.

211. At the time, he was only an 18-year old when he was first sexually assaulted by Anderson.

212. The assaults – including nonconsensual and digital anal penetration and genital fondling and manipulation – continued while he was an undergraduate student.

213. While Plaintiff attended UM and participated on the football team as an undergraduate, he saw Anderson approximately 4 times a year (or 16 times over the course of his career) for physicals and various medical issues, including ankle,

spinal, neck, and finger injuries, and common colds and flus.

214. While Plaintiff was in the football program and attending UM, Anderson was his exclusive primary care physician.

215. Indeed, Anderson was the only primary care physician Plaintiff was allowed to see as a student-athlete on scholarship.

216. And since UM was responsible for the medical care of its student-athletes, Anderson's services were readily available to Plaintiff and free of charge.

217. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the football team, to see Anderson for all their medical needs.

218. It was further required and expected that all football players not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

219. And just as Plaintiff, a high-performing student-athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

220. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep football players off the football field under the guise of a diagnosis, and thus place Plaintiff's scholarship (and his opportunity for a

college degree) in jeopardy if Plaintiff did not comply with Anderson's methods and orders.

221. Since staying on the team and in games was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

222. During many of Plaintiff's appointments with Anderson during the five years he studied at UM, Anderson sexually assaulted, abused, and molested Plaintiff by inflicting nonconsensual digital anal penetration and genital fondling.

223. On occasion, Anderson would perform "prostrate exams" on Plaintiff even though Plaintiff never once complained about any issues with his anus. As a young undergraduate student, Plaintiff had no knowledge that doctors do not recommend prostrate rectal exams for males until their 50s.

224. Not once did Plaintiff see Anderson for issues related to his genitals or anus; yet most of the times that Anderson treated Plaintiff, he required Plaintiff to drop his pants so Anderson could digitally penetrate his anus and fondle his genitals.

225. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his rigorous football regimen to do as he was ordered by those in positions of authority.

226. Indeed, the physical and emotional rigors of football require very high tolerance to extreme physical and emotional distress and pressure, such that

Anderson's actions were normalized and disregarded.

227. The UM football team was run with military precision. Everything players did was examined with great detail: their strength, speed, endurance, toughness, intelligence, and weight were all monitored closely. Training was top notch, thorough, and precise. Those working in the equipment room were extremely precise and thorough in administering their responsibilities when it came to outfitting players in the very best equipment. Coaching staff examined and evaluated every aspect of the player's physical development and safety. All practices and games were recorded.

228. So, when Plaintiff encountered very obtrusive, thorough, uncomfortable medical exams by Anderson, involving excessive manipulation of his penis and digital anal penetration, Plaintiff was led to believe that this was a normal and required part of the UM football team regime. He had no reason to believe otherwise. Plaintiff was taught to follow the routines of the coaches, team trainers and physicians without question in order to make the team better.

229. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

230. Anderson assaulted and abused Plaintiff on UM's campus on multiple occasions with nonconsensual anal penetration and genital fondling when Plaintiff

was between 18 and 23 years old.

231. Plaintiff was so conditioned to believe that Anderson's actions fell in line with the UM football team approach of being thorough and meticulous and, through the representations of coaches and trainers that Anderson was a great physician to be trusted, Plaintiff continued seeing Anderson for annual physicals for several years after he graduated. Had he known what UM knew as far back as 1968 – that Anderson was a sexual predator using the examinations for his own personal sexual gratification – Plaintiff would never have seen Anderson. UM is directly responsible for Plaintiff's damages related to each and every one of Plaintiff's visits to Anderson over time.

232. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

233. When the abuse began, Plaintiff, an 18-year old alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

234. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-4

235. Plaintiff grew up in a blue-collar neighborhood with a large family.

236. Plaintiff always wanted to be on the wrestling team at UM.

237. Plaintiff's parents encouraged their son to attend UM on an athletic scholarship to wrestle, believing the coaches would take care of their son.

238. Because Plaintiff was a part of a large blue-collar, working class family with many siblings, the only way Plaintiff could afford to attend a four-year college was through an athletic scholarship.

239. When Plaintiff arrived on campus in the 1980s, Anderson was introduced to Plaintiff and the other new players by coaches and staff as the team's doctor.

240. Just like all the coaches, athletic trainers, and even academic advisors who made up the UM wrestling team staff, so too was Anderson presented to players, including Plaintiff, as "their" doctor.

241. When Plaintiff arrived on campus on a wrestling scholarship, he saw Anderson for a physical exam which was required for participation with the

wrestling program.

242. At the time, he was only a freshman when he was first sexually assaulted by Anderson.

243. The assaults -- all nonconsensual and involving excessive genital fondling and manipulation – continued while he was an undergraduate student.

244. While Plaintiff attended UM and participated on the wrestling team as an undergraduate, he saw Anderson approximately 4 times a year (or 16 times over the course of his career) for physicals and various medical issues, neck injuries, knee injuries, strep throat, and common colds and flus.

245. While Plaintiff was in the wrestling program and attending UM, Anderson was his exclusive primary care physician.

246. Indeed, Anderson was the only primary care physician Plaintiff was allowed to see as a student-athlete on scholarship.

247. And since UM was responsible for the medical care of its student-athletes, Anderson's services were readily available to Plaintiff and free of charge.

248. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the wrestling team, to see Anderson for all their medical needs.

249. It was further required and expected that all wrestlers not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

250. And just as Plaintiff, a high-performing student-athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

251. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep wrestlers off the wrestling mat under the guise of a diagnosis, and thus place Plaintiff's scholarship (and his opportunity for a college degree) in jeopardy if Plaintiff did not comply with Anderson's methods and orders.

252. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

253. During most of Plaintiff's appointments with Anderson during the four years he studied at UM, Anderson sexually assaulted, abused, and molested Plaintiff by excessive genital fondling.

254. These assaults occurred while Anderson treated Plaintiff for a variety of issues, including MCL and LCL knee injuries, neck injuries, and strep throat. During each of these visits, Anderson ordered Plaintiff to drop his pants and excessively groped Plaintiff's genitals. Not once did Plaintiff see Anderson for issues related to his genitals.

255. Although the treatments made Plaintiff uncomfortable, Plaintiff was

trained by his rigorous wrestling regimen to do as he was ordered by those in positions of authority.

256. Indeed, the physical and emotional rigors of wrestling require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

257. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

258. Anderson assaulted and abused Plaintiff on UM's campus on at least 16 occasions while a UM student.

259. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

260. When the abuse began, Plaintiff alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

261. At the time, Plaintiff had no medical training or experience, and was

not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

262. Plaintiff believed Anderson's assaults were normal, because it was happening to others.

JOHN DOE MC-5

263. Plaintiff always wanted to be on the wrestling team at UM having attended UM wrestling camps on campus annually.

264. Plaintiff's parents encouraged their son to attend UM on an athletic scholarship to wrestle, believing the coaches, the Athletic Department, and the University of Michigan would take care of their son as UM is a revered institution of integrity and excellence, both academically and athletically.

265. Plaintiff earned and maintained a scholarship to wrestle for five years.

266. When Plaintiff arrived on campus in the 1980s, he saw Anderson for a physical exam which was required for participation with the wrestling program. Plaintiff saw Anderson every year for five years for physicals, health checkups, and medical treatment as part of his participation on the wrestling team.

267. At the time, he was only an 18-year old freshman when he was first sexually assaulted by Anderson.

268. The assaults – including nonconsensual and digital anal penetration and

genital fondling and manipulation – continued during the five years Plaintiff was a scholarship student-athlete at UM.

269. While Plaintiff attended UM and participated on the wrestling team as an undergraduate, he saw Anderson approximately 4 to 5 times a year (or 20 to 30 times over the course of his career) for various physicals, medical issues, injuries, and common colds and flus.

270. While Plaintiff was in the wrestling program and attending UM, Anderson was his exclusive primary care physician.

271. Indeed, Anderson was the only primary care physician Plaintiff was allowed to see as a student-athlete on scholarship. If the Athletic Department and UM wrestling program would have given Plaintiff the option of seeing any other primary care physician, Plaintiff would not have seen Anderson given Anderson's nature.

272. And since UM was responsible for the medical care of its student-athletes, Anderson's services were readily available to Plaintiff and free of charge.

273. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the wrestling team, to see Anderson for all their medical needs.

274. It was further required and expected that all wrestlers not only see Anderson for any ailment but to follow his procedures and orders.

275. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches and trainers, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

276. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep wrestlers off the wrestling mat under the guise of a diagnosis, and thus place Plaintiff's scholarship (and his opportunity for a college degree) in jeopardy if Plaintiff did not comply with Anderson's methods and orders.

277. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

278. During most of Plaintiff's appointments with Anderson during the five years he studied at UM, Anderson sexually assaulted, abused, and molested Plaintiff, by inflicting nonconsensual digital anal penetration and excessive genital fondling.

279. When Plaintiff saw Anderson once for a urinary tract infection, Anderson made Plaintiff lay flat on the table while he stretched and pinched Plaintiff's genitalia so hard and so long that the head of his penis became red or purple. Anderson was noticeably and weirdly enthused about the exam and executed this maneuver 2-3 times even though there was slight to no apparent discharge of

infection.

280. Approximately half the time Anderson treated Plaintiff, Anderson required Plaintiff to drop his shorts so Anderson could digitally penetrate Plaintiff's anus and fondle and intensely examine Plaintiff's genitals, advising Plaintiff that "we might as well get an examination done and out of the way just to make sure."

281. On the numerous occasions Plaintiff saw Anderson, he made Plaintiff pull down his shorts so that Anderson could digitally penetrate his anus, and grab and split the tip of his penis open as if to examine the urethra and head. This examination of the penis tip happened several times when Plaintiff had no complaints or medical issues with his genitals.

282. Although the treatments made Plaintiff very uncomfortable, Plaintiff was uninformed, uneducated and without options – as well as trained by his rigorous wrestling regimen to do as he was told by those in authority.

283. Indeed, the physical and emotional rigors of wrestling require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

284. Plaintiff trusted UM, the athletic department, his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

285. Anderson assaulted and abused Plaintiff on at least 15 to 25 occasions,

for which 7 to 12 examinations involved both nonconsensual anal penetration and non-consensual genital fondling for a total of 14 to 24 sexual assaults during the five years Plaintiff attended UM as a scholarship student-athlete.

286. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

287. When the abuse began, Plaintiff, an 18-year old alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

288. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-6

289. Plaintiff always wanted to be on the wrestling team at UM.

290. Plaintiff's parents encouraged their son to attend UM to wrestle

believing that the coaches would take care of their son.

291. Because Plaintiff was a part of a large middle-class family, the only way Plaintiff could afford to attend a four-year college at that time was through financial assistance, such as an athletic scholarship.

292. When Plaintiff arrived on campus in the 1970s, he saw Anderson for a physical exam which was required for participation with the wrestling program.

293. At the time, he was only an 18-year old freshman when he was first sexually assaulted by Anderson.

294. The assaults – including nonconsensual and digital anal penetration and genital fondling and manipulation – continued while he was an undergraduate student.

295. While Plaintiff attended UM and participated on the wrestling team as an undergraduate, he saw Anderson approximately 10 to 20 times for physicals, various medical issues, injuries, and common colds and flus.

296. While Plaintiff was in the wrestling program and attending UM, Anderson was his exclusive primary care physician.

297. Indeed, Anderson was the only primary care physician Plaintiff was allowed to see as a student-athlete on scholarship.

298. And since UM was responsible for the medical care of its student-athletes, Anderson's services were readily available to Plaintiff and free of charge.

299. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the wrestling team, to see Anderson for all their medical needs.

300. It was further required and expected that all wrestlers not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

301. And just as Plaintiff, a high-performing student-athlete, was accustomed to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

302. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep wrestlers off the wrestling mat under the guise of a diagnosis, and thus place Plaintiff's scholarship (and his opportunity for a college degree) in jeopardy if Plaintiff did not comply with Anderson's methods and orders.

303. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

304. During most of Plaintiff's appointments with Anderson during the four years he studied at UM, Anderson sexually assaulted, abused, and molested Plaintiff by inflicting nonconsensual digital anal penetration and genital fondling.

305. Not once did Plaintiff see Anderson for issues related to his genitals or anus; yet on a number of times Anderson treated Plaintiff, Anderson required Plaintiff to drop his pants or wrestling singlet so Anderson could digitally penetrate Plaintiff's anus and fondle Plaintiff's genitals.

306. In one illustrative example, when Plaintiff was a freshman, he went to Anderson for an ankle injury and during his exam, Anderson checked his prostate by inserting his finger into his rectum.

307. A short time later, before a wrestling practice, Plaintiff told a teammate what happened and the teammate responded that when he went to see Anderson for a hurt elbow, Anderson also checked his prostate and "stuck a finger up his (anus)," which was a common practice of Anderson.

308. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his rigorous wrestling regimen to do as he was ordered by those in positions of authority.

309. Indeed, the physical and emotional rigors of wrestling require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

310. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

311. Yet, when Anderson penetrated Plaintiff's anal cavity with his fingers – under the guise of a prostrate exam – he purposefully manipulated Plaintiff's prostate/anal/perineal area to the point Plaintiff ejaculated. Anderson threw a Kleenex at Plaintiff and told him to "clean up."

312. Anderson repeated this extreme anal penetration and massage to the point of ejaculation on Plaintiff more than once. Plaintiff was and is humiliated by these assaults. But while he questioned these acts, having never undergone this type of "medical treatment," Plaintiff was too young and naïve to ask anyone about this, uncertain if he himself had done something wrong or reacted improperly during a medical procedure. Plaintiff accepted this abuse as a necessary medical procedure and a part of his intense UM wrestling regime.

313. Anderson assaulted and abused Plaintiff on UM's campus through both nonconsensual anal penetration and genital fondling on at least five occasions (or a total of 10 assaults) when Plaintiff was between 18 and 23 years old.

314. Plaintiff believes the number of assaults may be higher and needs to consult his medical records currently in UM's possession.

315. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's

actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

316. When the abuse began, Plaintiff, an 18-year old alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

317. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling, including purposeful manipulation of Plaintiff to cause an unwanted, inadvertent ejaculation from Plaintiff, was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-7

318. Plaintiff always wanted to be on the hockey team at UM.

319. Plaintiff turned down scholarship offers from other universities to play hockey as a preferred walk-on and attempted to win a scholarship at UM. Plaintiff earned his scholarship after arriving on campus.

320. Plaintiff's parents encouraged their son to attend UM and attempt to earn an athletic scholarship to play hockey, believing the coaches would take care of their son.

321. Earning an athletic scholarship was how Plaintiff was able to afford

attending UM.

322. When Plaintiff arrived on campus in the 1980s, he saw Anderson for a physical exam which was required for participation with the hockey program.

323. At the time, he was only an 18-year old freshman when he was first sexually assaulted by Anderson.

324. The assaults – including both nonconsensual and digital anal penetration and genital fondling and manipulation – continued while he was an undergraduate student on the hockey team.

325. While Plaintiff attended UM and participated on the hockey team as an undergraduate, he saw Anderson approximately 5 times a year (or 10 times over the course of his 2-year career) for physicals, various medical issues, ankle and shoulder injuries, and common colds and flus.

326. While Plaintiff was in the hockey program and attending UM, Anderson was his exclusive primary care physician.

327. Indeed, Anderson was the only primary care physician Plaintiff was allowed to see as a student-athlete on scholarship.

328. And since UM was responsible for the medical care of its student-athletes, Anderson's services were readily available to Plaintiff and free of charge.

329. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the hockey team, to see Anderson for all

their medical needs.

330. It was further required and expected that all hockey players not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

331. And just as Plaintiff, a high-performing student-athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

332. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep hockey players off the ice under the guise of a diagnosis, and thus place Plaintiff's scholarship (and his opportunity for a college degree) in jeopardy if Plaintiff did not comply with Anderson's methods and orders.

333. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

334. During most of Plaintiff's appointments with Anderson during the two years he was on UM's hockey team, Anderson sexually assaulted, abused, and molested Plaintiff by inflicting nonconsensual digital anal penetration and genital fondling.

335. Most of the times that Anderson treated Plaintiff, Anderson required Plaintiff to drop his pants so Anderson could digitally penetrate Plaintiff's anus and

fondle Plaintiff's genitals.

336. During the appointments, Anderson groped Plaintiff's genitals and digitally penetrated Plaintiff's anus. Plaintiff thought it was odd and weird, but as an 18 and 19 year-old, he was unaware of what constituted a proper medical examination and did not want to question the team doctor especially because he was worried about losing his scholarship and position on the team (which he later did lose when a new coach was hired).

337. In one illustrative example, when Plaintiff went to Anderson for a possible urinary infection, he knew Anderson would have to look at his penis; but instead of just looking at his penis, Anderson cupped Plaintiff's penis and testicles with both of his (Anderson's) hands and moved Plaintiff's testicles around, playing with them for a long time.

338. Another time when Anderson was administering digital-anal penetration to Plaintiff, Anderson's became visibly red and sweaty as if becoming excited. At another appointment, when Anderson was digitally penetrating Plaintiff's anus, Anderson started noticeably breathing hard.

339. Finally, at another appointment, Anderson touched and rubbed and massaged Plaintiff's upper body muscles while commenting "you did a nice job of developing them (muscles)."

340. Although the treatments made Plaintiff uncomfortable, Plaintiff was

trained by his rigorous hockey training to do as he was ordered by those in positions of authority.

341. Indeed, the physical and emotional rigors of hockey require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

342. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

343. Anderson assaulted and abused Plaintiff on UM's campus both genitally and anally on at least 5 occasions, or 10 total acts of nonconsensual anal penetration and genital fondling, when Plaintiff was between 18 and 19 years old.

344. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

345. When the abuse began, Plaintiff, an 18-year old alone and away from home for the first time in his life, trusted Anderson as a medical professional and

authority figure.

346. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-8

347. Plaintiff always wanted to be on the hockey team at UM.

348. The only way Plaintiff could afford to attend a four-year college was through an athletic scholarship or financial assistance.

349. When Plaintiff arrived on UM's campus in the 1980s with a hockey scholarship, he saw Anderson for a physical exam which was required for participation with the hockey program.

350. At the time, he was only a 19-year old freshman when he was first sexually assaulted by Anderson.

351. The assaults – including nonconsensual and digital anal penetration and genital fondling and manipulation – continued while he was an undergraduate student on the hockey team.

352. While Plaintiff attended UM and participated on the hockey team as an undergraduate, he saw Anderson approximately 15 to 16 times over the course of his career for physicals, various medical issues, shoulder injuries, and common colds

and flus.

353. While Plaintiff was in the hockey program and attending UM, Anderson was his exclusive primary care physician.

354. Indeed, Anderson was the only primary care physician Plaintiff was allowed to see as a student-athlete on scholarship.

355. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

356. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the hockey team, to see Anderson for all their medical needs.

357. It was further required and expected that all hockey players not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

358. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

359. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep hockey players off the ice under the guise of a diagnosis, and thus place Plaintiff's scholarship (and his opportunity for a college degree) in jeopardy if Plaintiff did not comply with Anderson's methods and orders.

360. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

361. During many of Plaintiff's appointments with Anderson during the four years he was on UM's hockey team, Anderson sexually assaulted, abused, and molested Plaintiff, by inflicting nonconsensual digital anal penetration and genital fondling.

362. Most of the times that Anderson treated Plaintiff, Anderson required Plaintiff to drop his pants so Anderson could digitally penetrate Plaintiff's anus and fondle his genitals.

363. On at least four occasions that had absolutely nothing to do with Plaintiff's anus, Anderson digitally penetrated Plaintiff's anus.

364. On at least 6 or 7 visits for sickness or injuries that had nothing to do with Plaintiff's penis or testicles, Anderson looked at and fondled Plaintiff's testicles and penis.

365. Whenever Plaintiff's teammates heard Plaintiff was going to see Anderson, the other hockey players would tell him to "Get Ready" for either genital touching or a finger in the anus.

366. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his rigorous hockey training to do as he was ordered by those in positions

of authority.

367. Indeed, the physical and emotional rigors of hockey require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

368. Plaintiff never played high school hockey, so he had never had a sports-related physical and did not know that Anderson's digital anal penetration and genital fondling were not a part of a routine examination.

369. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

370. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

371. When the abuse began, Plaintiff, a 19-year old, trusted Anderson as a medical professional and authority figure.

372. At the time, Plaintiff had no medical training or experience, and was

not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-9

373. Plaintiff always wanted to be on the wrestling team at UM.

374. Plaintiff's parents encouraged their son to attend UM to wrestle, believing that the coaches would take care of their son.

375. When Plaintiff arrived on campus in the 1990s, he saw Anderson for a physical exam which was required for participation with the wrestling program.

376. At the time, he was only an 18-year old freshman when he was first sexually assaulted by Anderson.

377. The assaults – including nonconsensual and digital anal penetration and genital fondling and manipulation – continued while he was an undergraduate student.

378. While Plaintiff attended UM and participated on the wrestling team as an undergraduate, he saw Anderson approximately 10 to 15 times a year (or 40 to 60 times over the course of his career) for physicals, various medical issues, injuries, and common colds and flus. These visits included the three summers when Plaintiff was a counselor for UM summer wrestling camps.

379. While Plaintiff was in the wrestling program and attending UM,

Anderson was his exclusive primary care physician.

380. And since UM was responsible for the medical care of its student-athletes, Anderson's services were readily available to Plaintiff and free of charge.

381. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the wrestling team, to see Anderson for all their medical needs.

382. It was further required and expected that all wrestlers not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

383. And just as Plaintiff, a high-performing student-athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

384. Even during summers between academic years when Plaintiff lived in Ann Arbor and worked at summer camps hosted by the wrestling program, Plaintiff was still directed to see Anderson for any ailments and injuries.

385. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep wrestlers off the mat under the guise of a diagnosis, and thus place Plaintiff's scholarship (and his opportunity for a college degree) in jeopardy if Plaintiff did not comply with Anderson's methods and orders.

386. Since staying on the team and in competitions was critically important

to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

387. Not once did Plaintiff see Anderson for issues related to his genitals or anus; yet for the several times that Anderson treated Plaintiff, Anderson required Plaintiff to drop his pants or wrestling singlet so Anderson could digitally penetrate Plaintiff's anus and/or fondle his genitals.

388. Plaintiff had recurrent skin diseases such as ringworm, matt herpes, impetigo, strep throat, and wrestling injuries (such as broken wrist, knees, shoulder, and lower back) which sent him to trainers or Anderson very frequently.

389. Almost every time Anderson saw Plaintiff, Anderson would order him to drop his drawers and look at and/or touch his genitals. One year when Plaintiff went to Anderson for up to 15 appointments, it was a rarity if he did not look at and touch his genitals.

390. Plaintiff estimates that Anderson looked at and touched Plaintiff's genitals close to 50 times for bodily injuries like a shoulder or wrist injury or impetigo; none of these ailments or injuries provided any reason for Anderson to look at and fondle Plaintiff's genitals.

391. Anderson also did "prostrate" checks on Plaintiff while being seen for health issues unrelated to his anus or prostrate. Anderson even did 2 "prostrate checks" within 4 months of each other. As a young man, Plaintiff had no idea that

digital prostrate exams are ordinarily not done until age 50, when they are performed annually.

392. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his rigorous wrestling training to do as he was ordered by those in positions of authority.

393. Indeed, the physical and emotional rigors of wrestling require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

394. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

395. Anderson assaulted and abused Plaintiff on UM's campus on at least 50 occasions, including acts of nonconsensual anal penetration and genital fondling when Plaintiff was between 18 and 23 years old.

396. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as

treatment and/or a diagnostic prognosis.

397. When the abuse began, Plaintiff, an 18-year old alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

398. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-10

399. Plaintiff was a highly recruited high school wrestler sought after by numerous Division I wrestling programs, but chose to go to UM because he fell in love with the university.

400. Plaintiff and his parents fully expected that UM would protect him as a student and the Athletic Department would protect him as a scholarship athlete.

401. Because Plaintiff was a part of a working-class family, the only way Plaintiff could afford to attend a four-year college was through an athletic scholarship.

402. When Plaintiff arrived on campus in the 1990s on a wrestling scholarship, he saw Anderson for a physical exam which was required for participation with the wrestling program.

403. At the time, he was only an 18-year old freshman when he was first sexually assaulted by Anderson.

404. The assaults – including nonconsensual and digital anal penetration and genital fondling and manipulation – continued while he was an undergraduate student.

405. While Plaintiff attended UM and participated on the wrestling team as an undergraduate, he recalls seeing Anderson at least 2-3 times a year (or at least 8-12 times over the course of his career) for physicals, various medical issues, skin disease, ring worm, herpes, knee and shoulder injuries, strep throat, and common colds and flus. Plaintiff is requesting his medical records as he believes they likely will reflect more visits.

406. While Plaintiff was in the wrestling program and attending UM, Anderson was his exclusive primary care physician.

407. Indeed, Anderson was the only primary care physician Plaintiff was allowed to see as a student-athlete on scholarship.

408. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

409. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the wrestling team, to see Anderson for all their medical needs.

410. It was further required and expected that all wrestlers not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

411. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

412. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep wrestlers off the wrestling mat under the guise of a diagnosis, and thus place Plaintiff's scholarship (and his opportunity for a college degree) in jeopardy if Plaintiff did not comply with Anderson's methods and orders.

413. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

414. During most of Plaintiff's appointments with Anderson during the four years he studied at UM, Anderson sexually assaulted, abused, and molested Plaintiff, by inflicting nonconsensual digital anal penetration and genital fondling.

415. Not once did Plaintiff see Anderson for issues related to his genitals or anus; yet it was routine that no matter what Plaintiff's complaint was that Anderson ordered him to take all of his clothes off. Anderson would put his face right up to Plaintiff's genitals or buttocks while examining him. It was routine that Anderson

would make Plaintiff, while naked, bend over and touch his toes for ailments that had nothing to do with his anus.

416. It was routine that even for a sore throat Plaintiff would have to drop his pants or get totally naked, lift up his scrotum, turn around for Anderson, get on his toes, and do a number of things unrelated to his medical complaint. Even when only seeking a prescription for skin disease, Anderson would make Plaintiff get totally naked and undergo genital touching and digital anal penetration.

417. While Plaintiff never went to Anderson for any sexual health issues, Anderson would routinely ask about Plaintiff's sexual habits and ask whether "he had sex with men?"

418. As Plaintiff got older, the wrestling team would be told to get flu shots and when Anderson was administering them in his office, Plaintiff skipped the visits to avoid the genital touching and digital anal penetration.

419. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his rigorous wrestling regimen to do as he was ordered by those in positions of authority.

420. Indeed, the physical and emotional rigors of wrestling require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

421. Plaintiff trusted his coaches and trainers who told him to see Anderson

several times throughout the year, and so it followed that he trusted Anderson as his physician.

422. Plaintiff believed that Anderson's genital touching and digital anal penetration became a normal part of wrestling at UM.

423. Anderson assaulted and abused Plaintiff on UM's campus at least 16-24 times during 8-12 visits when Plaintiff was between 18 and 23 years old. Plaintiff believes the numbers may be higher and he could verify that belief if he had access to his UM health records.

424. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

425. When the abuse began, Plaintiff, an 18-year old alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

426. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital

fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-11

427. In high school, Plaintiff was a talented football player and always wanted to be part of the UM football program.

428. Plaintiff's parents encouraged their son to attend UM on an athletic scholarship to play football, believing that the coaches would take care of their son.

429. Because Plaintiff was part of a working-class family, the only way Plaintiff could afford to attend a four-year college was through an athletic scholarship.

430. When Plaintiff arrived on campus in the 1980s, Anderson was introduced to Plaintiff and the other new players by coaches and staff as the team's doctor.

431. Just like all the coaches, trainers, strength trainers/coaches, and even academic advisors, who made up the UM football team staff, so too was Anderson presented to players, including Plaintiff, as "their" doctor.

432. When Plaintiff arrived on campus, Plaintiff saw Anderson for a physical exam which was required for participation with the football program.

433. At the time, he was only an 18-year old freshman when he was first sexually assaulted by Anderson.

434. The assaults – including nonconsensual and digital anal penetration and genital fondling and manipulation – continued while he was an undergraduate student.

435. While Plaintiff attended UM as an undergraduate and participated on the football team, he saw Anderson 4 to 5 times a year (about 12 to 20 times over the course of his career) for physicals, and various medical issues, broken wrist, knee and elbow injuries, common colds and flus, and follow up appointments for post-orthopedic surgery.

436. While Plaintiff was in the football program and attending UM, Anderson was his exclusive primary care physician.

437. Indeed, Anderson was the only primary care physician Plaintiff was allowed to see as a student athlete on scholarship.

438. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

439. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the football team, to see Anderson for all their medical needs.

440. It was further required and expected that all football players not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

441. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches and trainers, whether it be regarding exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

442. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep football players off the football field under the guise of a diagnosis, and thus place Plaintiff's scholarship (and his opportunity for a college degree) in jeopardy if Plaintiff did not comply with Anderson's methods and orders.

443. Since staying on the team was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

444. By complying with his marching orders to treat with Anderson, Plaintiff was sexually assaulted, abused, and molested by Anderson who inflicted nonconsensual digital anal penetration and genital fondling.

445. Plaintiff knew Anderson as "Drop Your Drawers Anderson" and "Doc A" for "Anal." It was common knowledge because Anderson fondled and digitally penetrated so many players on the football team.

446. Plaintiff was sick to his stomach after the first few so-called physicals

because nothing like that had ever happened to him before as an 18-year-old.

447. Plaintiff recalls Anderson touching his genitals hard and fingering his anus in the same visit at least 4 times, but closer to 8 times, for at least 8 total assaults, but closer to 16.

448. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his rigorous football regimen to do as he was ordered by those in positions of authority.

449. Indeed, the physical and emotional rigors of football require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

450. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

451. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

452. When the abuse began, Plaintiff, an 18-year old alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

453. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-12

454. Plaintiff was a highly recruited athlete sought by many top universities. But he had his heart set on UM because of its tradition, academics, and the Fab Five. So, Plaintiff chose UM over all the other programs.

455. Plaintiff's parents encouraged their son to attend UM on an athletic scholarship to wrestle, believing that the coaches would take care of their son since they would be out of state.

456. Because Plaintiff was a part of a working/middle-class family, the only way Plaintiff could afford to attend a four-year college was through an athletic scholarship. He could not have afforded to attend UM without the athletic scholarship.

457. When Plaintiff arrived on campus in the 1990s on a wrestling scholarship, Anderson was introduced to Plaintiff and the other new wrestlers by

coaches and staff as the team's doctor.

458. Just like all the coaches, athletic trainers, and even academic advisors who made up the UM wrestling team staff, so too was Anderson presented to players, including Plaintiff, as "their" doctor.

459. When Plaintiff arrived on campus, Plaintiff saw Anderson for a physical exam which was required for participation with the wrestling program.

460. At the time, he was only an 18-year old freshman when he was first sexually assaulted by Anderson.

461. The assaults – including nonconsensual digital anal penetration and genital fondling and manipulation – continued while he was an undergraduate student.

462. While Plaintiff attended UM and participated on the wrestling team as an undergraduate, he saw Anderson approximately 8 to 10 times over the course of his career for physicals, various medical issues, broken hands, separated shoulders, knee injuries, colds and sore throats. Plaintiff believes that once he has access to his medical records currently in the possession of UM, and is able to refresh his memory, the number of actual visits with Anderson is likely to be higher.

463. While Plaintiff was in the wrestling program and attending UM, Anderson was his exclusive primary care physician.

464. Indeed, Anderson was the only primary care physician Plaintiff was

allowed to see as a student athlete on scholarship.

465. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

466. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the wrestling team, to see Anderson for all their medical needs.

467. It was further required and expected that all wrestlers not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

468. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

469. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep wrestlers off the wrestling mat under the guise of a diagnosis, and thus place Plaintiff's scholarship (and his opportunity for a college degree) in jeopardy if Plaintiff did not comply with Anderson's methods and orders.

470. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

471. During most of Plaintiff's appointments with Anderson during the five

years he studied at UM, Anderson sexually assaulted, abused, and molested Plaintiff, by inflicting nonconsensual genital fondling.

472. Not once did Plaintiff see Anderson for issues related to his genitals, yet at most of the appointments, Anderson had Plaintiff drop his pants or wrestling singlet and show Anderson his penis. Anderson touched and handled Plaintiff's penis, even though none of the visits were the result of any issues Plaintiff had with his penis or groin.

473. During one visit Anderson ordered Plaintiff to pull down his pants and underwear. Anderson grabbed Plaintiff's testicles and then grabbed Plaintiff's penis. Anderson asked Plaintiff, "you were born in 1975?" Plaintiff answered "yes." Anderson then said as he rubbed Plaintiff's penis, "Your circumcision looks like a circumcision from 1975."

474. Plaintiff did not know what UM knew: that Anderson's quirky and odd genital inspections were motivated by criminal sexual intent. Because other wrestlers told Plaintiff that they were enduring similar odd acts, Plaintiff felt he had no choice but to endure Anderson's acts.

475. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his rigorous wrestling regimen to do as he was ordered by those in positions of authority.

476. Indeed, the physical and emotional rigors of wrestling require very high

tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

477. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

478. Plaintiff believed that Anderson's genital touching became a normal part of wrestling at UM.

479. Anderson assaulted and genitally abused Plaintiff on UM's campus on at least 8 to 10 occasions when Plaintiff was between 18 and 23 years old.

480. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

481. When the abuse began, Plaintiff, an 18-year old alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

482. At the time, Plaintiff had no medical training or experience, and was

not aware that Anderson's genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-13

483. In the 1970s, Plaintiff was an equipment manager for the UM football program.

484. The UM football program, including the coaches, trainers, players, doctors, and other staff, consider the equipment manager as part of the football team. The equipment manager is held to the same level of UM excellence as everyone else in the UM football program.

485. Plaintiff earned a varsity letter for his position on the UM football team as an equipment manager.

486. Plaintiff loved working for John Falk, the head equipment manager, and Coach Bo Schembechler. Plaintiff believes that he would not be the man he is today if it were not for his time in the UM football program.

487. Plaintiff considers his time as an equipment manager for the UM football team as one of the best times of his life, a "golden time," in fact—except for now learning he was sexually assaulted.

488. Plaintiff was introduced to Anderson as the UM football team's doctor. The head coach, assistant coaches, trainers, and managers directed Plaintiff, and all other members of the football team, to see Anderson for all their medical needs.

489. And since Plaintiff, as an equipment manager, was a member of the UM football team, Anderson's services were readily available to Plaintiff and free of charge.

490. Earlier in the year, while at his parent's home, Plaintiff was treated for a urinary tract infection, which his family physician treated with prescriptions and without any inspection of Plaintiff's urethra or penis.

491. Later, Plaintiff believed he had a recurrence of the urinary tract infection, and so he went, as a member of the team, to see Anderson.

492. At the appointment, Anderson told Plaintiff to drop his pants and Anderson immediately stuck his finger into Plaintiff's anus.

493. Plaintiff was surprised because his doctor back home had treated the infection with drugs and the infection went away. Plaintiff also thought it odd that Anderson appeared to enjoy the procedure.

494. At the time, Plaintiff was just a young male student when he was first sexually assaulted by Anderson.

495. Plaintiff believes that he went back to Anderson at least two more times to follow up on his urinary tract infection, but that he needs to consult his medical records in UM's possession to confirm this fact.

496. Plaintiff believes that each time he saw Anderson he digitally penetrated his anus. Although Plaintiff thought it odd, he did not question Anderson

because he was unaware of what constituted a proper medical examination and, as part of the football team hierarchy, Plaintiff was trained as an equipment manager to follow orders.

497. Plaintiff would never question the UM football program or the team doctor, Anderson. Plaintiff would not think of complaining up the chain of command, such as to the head equipment manager or the coaches about the oddity of Anderson or how he conducted his examinations.

498. Above all, Plaintiff believed that everything at Michigan was the best—the best University, the best football program, the best coaches, the best stadium, the best equipment, the best of everything—so, of course, the team doctor would be the best as well.

499. As the UM football team's physician and "gatekeeper," Anderson had the power to keep staff off the football field under the guise of a diagnosis, and thus place Plaintiff's position as a student equipment manager (and his opportunity for a college degree) in jeopardy if Plaintiff did not comply with Anderson's methods and orders.

500. Since staying on the team was critically important to Plaintiff, he accepted Anderson's uncomfortable exams and treatments.

501. By complying with his marching orders to treat with Anderson, Plaintiff was sexually assaulted, abused, and molested by Anderson who inflicted

nonconsensual digital anal penetration.

502. The UM football team was very orderly, regimented, and Plaintiff was taught to follow the routines of the coaches and team trainers and physicians without question in order to make the team better.

503. Plaintiff trusted the coaches, trainers, and managers who told him to see Anderson, and so it followed that he trusted Anderson as his physician.

504. Anderson assaulted and abused Plaintiff anally on at least 1 occasion, and possibly three more occasions.

505. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male students like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

506. When the abuse began, Plaintiff was a relatively young and immature young man, away from home, and trusted Anderson as a medical professional and authority figure.

507. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration was not medical

treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-14

508. Plaintiff was a highly recruited athlete who chose UM over several other programs because he loved the idea of going to UM, and his athletic scholarship gave him the financial ability to attend school at UM.

509. Plaintiff attended UM on a wrestling scholarship for several years in 1990s.

510. When Plaintiff arrived on campus in the 1990s the Fall of his freshman year, Anderson was introduced to Plaintiff and the other new players by coaches and staff as the team's doctor.

511. Just like all the coaches, athletic trainers, and even academic advisors who made up the UM wrestling team staff, so too was Anderson presented to players, including Plaintiff, as "their" doctor.

512. While Plaintiff attended UM and participated on the wrestling team as an undergraduate, he saw Anderson at least five times over three years for treatment of injuries and ailments where Anderson performed nonconsensual and digital anal penetration and genital fondling and manipulation. Plaintiff believes there were other times, but he needs to review his medical records which are in the possession of the UM.

513. Plaintiff recalls that at the end of his freshman year, he suffered an ankle

injury and was told to go to Anderson. Anderson told Plaintiff to remove all his clothes, strip completely naked, and lay on his back. Anderson began fondling his penis and testicles while making a grunting noise that surprised Plaintiff. Anderson told Plaintiff, "You should be happy, you are a very well-endowed young man."

514. Anderson then instructed Plaintiff to roll over onto his stomach. Anderson pulled apart Plaintiff's buttock cheeks and thrust his fingers into Plaintiff's anus. When Plaintiff asked Anderson what he was doing, Anderson replied the anal penetration was for the purpose of inspecting Plaintiff for skin diseases.

515. During another examination, Anderson had Plaintiff lay on his back naked. Anderson fondled Plaintiff's genitals while breathing heavily and sat down in a chair with his face close to Plaintiff's body. Anderson began asking Plaintiff about his dating and sex life before instructing Plaintiff to roll over onto his stomach. Anderson then again forcibly penetrated Plaintiff anally with his fingers.

516. On at least three occasions, Anderson grabbed and manipulated Plaintiff's testicles and penis, although he was not treating with Anderson for any issues related to his testicles and penis.

517. On at least the two described occasions, Anderson violently stuck his fingers in Plaintiff's anus.

518. While Plaintiff was in the wrestling program and attending UM, Anderson was his only primary care physician.

519. Indeed, Anderson was the only physician Plaintiff was allowed to see as a student athlete on scholarship. The coaches required the wrestlers to see only Anderson.

520. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

521. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the wrestling team, to see Anderson for all their medical needs.

522. It was further required and expected that all wrestlers not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

523. Plaintiff endured these examinations because the coaches ordered him to see Anderson in order to get cleared after injuries or ailments to wrestle.

524. After a few visits, Plaintiff resisted going back to Anderson and coaches reacted by threatening to not let him wrestle – which would have cost Plaintiff both his scholarship and athletic career.

525. Plaintiff ultimately complied because he would do anything to continue wrestling, stay on the team, and keep his scholarship.

526. Because so many of his teammates were enduring the same sort of treatment -- such as stripping down naked for genital and anal acts while seeing Anderson for common illnesses such as strep throat, or enduring questions about

their sex lives, or comments on their circumcision scars -- Plaintiff was able to "normalize," for a while, the acts Anderson performed all in the name of medical treatment.

527. However, as a result of Anderson's conduct, Plaintiff began ignoring illnesses to avoid seeing him. One school year, Plaintiff delayed seeking treatment for an infectious disease so long that it exacerbated to the point of causing Plaintiff to lose a year of wrestling.

528. Because of Plaintiff's lingering discomfort from Anderson's putative medical treatment – which Plaintiff recently learn through the news media was not just odd conduct, but sexual assault – Plaintiff eventually stopped seeing any doctor for 10 years.

529. At the same time, Plaintiff began daily marijuana use to cope with Anderson's acts and the death of a teammate from cutting weight to compete in a wrestling match.

530. When Plaintiff was an upperclassman, he became so successful as a wrestler that his coaches backed off from their requirement that Plaintiff treat with Anderson, which allowed Plaintiff to skip further medical treatments.

531. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male

athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

532. When the abuse began, Plaintiff, alone and away from home for the first time in his life, trusted his coaches and Anderson as a medical professional and authority figure.

533. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling, was not medical treatment, but instead was sexual assault, abuse, and molestation.

JOHN DOE MC-15

534. Plaintiff was recruited by UM's coaches to participate in its wrestling program.

535. When Plaintiff arrived on campus in the Fall of his freshman year during the 1990s, Anderson was introduced to Plaintiff and the other new players by coaches and staff as the team's doctor.

536. Just like all the coaches, athletic trainers, and even academic advisors who made up the UM wrestling team staff, so too was Anderson presented to players, including Plaintiff, as "their" doctor.

537. When Plaintiff arrived on campus as a freshman, he saw Anderson for a physical exam which was required for participation with the wrestling program.

538. At the time, Plaintiff was only a 19-year old freshman when he was first sexually assaulted by Anderson.

539. The assaults – including nonconsensual digital anal penetration and genital fondling and manipulation – continued during his several years of wrestling with UM until he graduated.

540. Plaintiff saw Anderson at least eight (8) times during his wrestling career for everything from upper respiratory issues such as sore throats or colds, to muscular-skeletal injuries involving pain to his neck, shoulders, and back. Plaintiff believes he may have seen Anderson more times than indicated but needs his UM medical records to confirm.

541. On every single visit, Anderson inappropriately fondled Plaintiff's penis and testicles. Not one of Plaintiff's visits to Anderson was for a complaint regarding either his penis or his testicles.

542. On two occasions, Anderson had Plaintiff lay naked on his stomach while Anderson pulled apart his buttock cheeks so he could partially insert his fingers into Plaintiff's anus. On neither of those occasions did Plaintiff complain of any issue with his anus.

543. While Plaintiff was in the wrestling program and attending UM,

Anderson was his exclusive primary care physician.

544. Indeed, Anderson was the only primary care physician Plaintiff was allowed to see as instructed by his coaches and trainers.

545. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

546. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the wrestling team, to see Anderson for all their medical needs.

547. It was further required and expected that all wrestlers not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

548. And just as Plaintiff, a high-performing student-athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

549. Plaintiff endured these examinations because his coaches ordered him to treat with Anderson, and because he wanted to remain on the wrestling team and compete.

550. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his rigorous wrestling regimen to do as he was ordered by those in positions of authority.

551. Indeed, the physical and emotional rigors of wrestling require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

552. Plaintiff trusted his coaches and trainers who told him to see Anderson, and so it followed that he trusted Anderson as his physician.

553. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

554. When the abuse began, Plaintiff, a 19-year old alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

555. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-16

556. Plaintiff was a very successful high school athlete and offered a track athletic scholarship by several universities.

557. Plaintiff was very interested in UM, and after UM's track coaches told Plaintiff's parents that they would look after and protect Plaintiff while he was a student at UM, the deal was done – Plaintiff accepted UM's offer of an athletic scholarship for track.

558. Plaintiff arrived on campus in the 1970s.

559. Plaintiff first saw Anderson for a physical to be cleared to run as a freshman.

560. During his time as an undergraduate student and scholarship athlete, Plaintiff estimates he saw Anderson about twenty-five (25) times for medical complaints ranging from upper respiratory infections to colds to a back injury.

561. Plaintiff's teammates referred to Anderson as the "pants down doctor."

562. During all twenty-five (25) visits, Anderson told Plaintiff to pull down his pants and then Anderson fondled Plaintiff's penis and testicles inappropriately. None of these visits were ever related to any complaint by Plaintiff of a medical issue with his penis or testicles.

563. Because of these acts, Plaintiff was anxious about seeing Anderson and would often delay treating with him – the only doctor he could see – with the result

that his illnesses or injuries became worse.

564. During most of these twenty-five (25) visits, Anderson would ask Plaintiff personal questions such as, "do you have a girlfriend?; What are your sexual experiences?; Do you masturbate?" and other borderline grooming or sex talk.

565. Anderson would ask these questions while he was fondling Plaintiff.

566. During one of those occasions, Anderson went further than genital manipulation by sticking his finger in Plaintiff's anus.

567. Plaintiff states that most everyone on the track team talked about or had a similar experience; that every time athletes went to Anderson, he would instruct them to drop their pants and have at least their genitals inspected, even if the athlete's complaint had nothing to do with his genitals.

568. After one of those visits, Plaintiff approached both his head coach, Jack Harvey, and assistant coach, Ron Warhurst, and told them that Anderson was touching and groping his penis and testicles during Anderson's medical examinations.

569. Anderson had already digitally penetrated Plaintiff's anus at the time Plaintiff told coaches Harvey and Warhurst about the genital groping, but Plaintiff was too embarrassed to tell his coaches about it.

570. After reporting Anderson's "odd" or "weird" conduct to Coach Harvey

and Coach Warhurst, Plaintiff asked to go to another physician so he could get medical assistance for his injury(s).

571. Both Coach Harvey and Coach Warhurst laughed at Plaintiff's complaint and refused to send him to a different physician.

572. As a result, Plaintiff was forced to continue treating with Anderson.

573. While Plaintiff was in the track program and attending UM, Anderson was his exclusive primary care physician.

574. Indeed, Anderson was the only physician Plaintiff could see as a student athlete on athletic scholarship.

575. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

576. Plaintiff's head coach, assistant coaches, and trainers ordered Plaintiff to see Anderson if Plaintiff wanted "to retain his athletic grant (scholarship)."

577. It was further required and expected that all track athletes not only see Anderson for any ailment, but to follow his procedures and orders.

578. Plaintiff endured these examinations because his coaches ordered him to in order retain his athletic grant in aid.

579. Plaintiff trusted his coaches and trainers who told him to see Anderson and so he trusted Anderson as his physician.

580. At the time of Anderson's treatments – not knowing (a) Anderson's acts

were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

581. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-17

582. Plaintiff was recruited by many Division I hockey programs to play hockey, but once UM offered him an athletic scholarship he accepted right away as UM had been his favorite and first choice.

583. The athletic scholarship was critical to Plaintiff's ability to attend UM.

584. When Plaintiff arrived on campus in the 1980s on a hockey scholarship, he saw Anderson for a physical exam which was required for participation with the hockey program.

585. Upperclassmen hockey players told Plaintiff before his physical that it would be an "interesting visit."

586. At the time, he was only an 18-year old freshman when he was first sexually assaulted by Anderson.

587. The assaults – including nonconsensual and digital penetration and genital fondling and manipulation – continued while he was an undergraduate student on the hockey team.

588. While Plaintiff attended UM and participated on the hockey team as an undergraduate, he saw Anderson at least seven (7) times for physicals, injuries to his shoulder and other body parts, and common colds and flus. Plaintiff believes access to his medical records would refresh his recollection regarding more visits and incidents.

589. While Plaintiff was in the hockey program and attending UM, Anderson was his exclusive primary care physician.

590. Indeed, Anderson was the only primary care physician Plaintiff could see as a student athlete on scholarship.

591. And since because UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

592. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the hockey team, to see Anderson for all their medical needs.

593. It was further required and expected that all hockey players not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

594. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

595. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep hockey players off the ice under the guise of a diagnosis, and thus place Plaintiff's scholarship (and his opportunity for a college degree) in jeopardy if Plaintiff did not comply with Anderson's methods and orders.

596. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

597. During each of Plaintiff's appointments with Anderson during the four years he was on UM's hockey team, Anderson sexually assaulted, abused, and molested Plaintiff at least ten (14) times by inflicting nonconsensual digital anal penetration and genital fondling.

598. Each time that Anderson treated Plaintiff, Anderson required Plaintiff to drop his pants so Anderson could digitally penetrate Plaintiff's anus and fondle Plaintiff's genitals.

599. Even when Plaintiff saw Anderson for a shoulder injury, Anderson made Plaintiff remove his pants and underwear so he could fondle his penis and testicles before digitally penetrating Plaintiff's anus.

600. Not one of Plaintiff's visits to Anderson was for a complaint or ailment related to Plaintiff's penis, testicles, or anus.

601. The conduct and acts of Anderson were common knowledge among Plaintiff's teammates on the hockey team but was accepted as part of one had to do to stay on the hockey team, get on the ice, and graduate from UM.

602. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his rigorous hockey regimen to do as he was ordered by those in positions of authority.

603. Indeed, the physical and emotional rigors of hockey require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

604. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

605. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male

athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

606. When the abuse began, Plaintiff, an 18-year old, trusted Anderson as a medical professional and authority figure.

607. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-18

608. Plaintiff was recruited and offered athletic scholarships by UM in more than one sport in the 1960s but did not accept at that time because of other obligations, including one related to military service.

609. However, Plaintiff was able to take classes at UM in the late 1960s and worked out with a UM athletic team during that time.

610. In the fall of 1968, and again in the fall of 1969, Plaintiff visited Anderson at his office at UM: on one occasion for a sore throat and the other for flu-like symptoms.

611. During both of these visits, Anderson did the following: (a) told

Plaintiff to take all of his clothes off, except his underwear; (b) told Plaintiff to lay on his back on the examining room table; (c) helped Plaintiff remove his underwear; (d) stood and "hovered" over Plaintiff's penis and testicles; (e) grabbed and groped Plaintiff's penis and testicles for an excessively long time without wearing gloves; (f) ran his thumb and index finger repeatedly up and down the shaft of Plaintiff's penis, and then put his finger into Plaintiff's anus.

612. Anderson's treatments of Plaintiff involving inappropriate handling of his penis, testicles, and anus, lasted much longer than medical examinations, including prostrate exams, which Plaintiff has had recently with a long-term, trusted physician.

613. Plaintiff had not complained of any injury or illness related to his testicles, penis, or anus on either visit.

614. Plaintiff was finally able to join UM athletics in the early 1970s with a non-revenue, varsity sport.

615. During the following four years, his head coach, trainers, and other members of the Athletic Department told Plaintiff to go to Anderson for any of his medical needs and to use Anderson as his primary care physician.

616. As a result, Plaintiff saw Anderson at least six (6) more times while with the team for a variety of minor illnesses, as well as minor injuries to his shoulder and knees.

617. During each of these six (6) or more additional visits, Anderson followed the exact same routine described above.

618. Plaintiff's head coach and trainers directed and required all members of the team, including Plaintiff, to see Anderson for all their medical needs.

619. Anderson's services were readily available to Plaintiff and free of charge.

620. As the UM Athletic Department's physician and "gatekeeper," Anderson had power over Plaintiff and most others in the Athletic Department, as well as UM's institutional "seal of approval," so Plaintiff had no other choice other than to endure Anderson's acts if he wished to continue participating in athletics.

621. During Plaintiff's appointments with Anderson, Anderson sexually assaulted, abused, and molested Plaintiff on at least eight occasions (or 16) times, by inflicting nonconsensual digital anal penetration and genital fondling.

622. Not one of Plaintiff's visits to Anderson were for any complaint or ailment related to Plaintiff's penis, testicles, or anus.

623. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical

examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

624. When the abuse began, Plaintiff, a 19-year old, trusted Anderson as a medical professional and authority figure.

625. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-19

626. As a senior in high school, Plaintiff was recruited by UM and several other Division I college wrestling programs. Plaintiff chose Michigan and became a member of the varsity wrestling team.

627. When Plaintiff arrived on campus in 1990s, he saw Anderson for a physical exam which was required for participation with the wrestling program.

628. At the time, he was only an 18-year old freshman when he was first sexually assaulted by Anderson.

629. The assaults – including nonconsensual genital manipulations and anal touching – continued while he was an undergraduate student.

630. While Plaintiff attended UM and participated on the wrestling team as an undergraduate, he saw Anderson approximately seven (7) to twelve (12) times

for physicals and other various medical issues, such as ringworm and minor sport injuries to his knees and other body parts.

631. While Plaintiff was in the wrestling program and attending UM, Anderson was his exclusive primary care physician.

632. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

633. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the wrestling team, to see Anderson for all their medical needs.

634. It was further required and expected that all wrestlers not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

635. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

636. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep wrestlers off the wrestling mat under the guise of a diagnosis if Plaintiff did not comply with Anderson's methods and orders.

637. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions

required to keep them there, including Anderson's uncomfortable treatments.

638. Not once did Plaintiff see Anderson for issues related to his genitals or anus; yet every time Anderson treated Plaintiff, he ordered Plaintiff to remove his pants or wrestling singlet.

639. Among Plaintiff's teammates on the wrestling team, it was known that if you had to seek medical treatment and see Anderson, then "get prepared to drop your drawers."

640. During each of the seven (7) to twelve (12) or so times Plaintiff saw Anderson, Anderson would fondle Plaintiff's penis and testicles for an excessively long time, maybe as long as 30 seconds or a minute.

641. During these visits, Anderson would ask Plaintiff odd and inappropriate questions.

642. On one occasion, while Plaintiff's pants were down, Anderson told Plaintiff to turn around, which exposed Plaintiff's naked buttocks to Anderson. Anderson told Plaintiff to bend over and Anderson touched, moved, and then slightly pulled Plaintiff's buttock cheeks apart.

643. Plaintiff had not complained of any medical issues or complaint related to his anus or buttocks on that visit.

644. Plaintiff felt very nervous and uncomfortable about Anderson's odd acts but did not report them as Plaintiff was conditioned by UM staff to believe

Anderson was administering valid medical treatment.

645. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his rigorous wrestling training to do as he was ordered by those in positions of authority.

646. Indeed, the physical and emotional rigors of wrestling require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

647. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

648. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

649. When the abuse began, Plaintiff, an 18-year old alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

650. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-20

651. Plaintiff was recruited by UM's coaches to wrestle at UM, and so he enrolled at UM and joined the wrestling team in the 1990s.

652. When Plaintiff arrived on campus in 1990s, he saw Anderson for a physical exam which was required for participation with the wrestling program.

653. At the time, he was only an 18-year old freshman when he was first sexually assaulted by Anderson.

654. The assaults – nonconsensual genital manipulations – continued for the three years Plaintiff was on the wrestling team.

655. While Plaintiff attended UM and participated on the wrestling team as an undergraduate, he saw Anderson approximately eighteen (18) to twenty-two (22) times over his career for physicals and other various medical issues, such as ringworm, impetigo, infectious diseases, and a variety of minor sports or wrestling-related injuries.

656. While Plaintiff was in the wrestling program and attending UM, Anderson was his exclusive primary care physician.

657. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

658. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the wrestling team, to see Anderson for all their medical needs.

659. It was further required and expected that all wrestlers not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

660. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

661. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep wrestlers off the wrestling mat under the guise of a diagnosis if Plaintiff did not comply with Anderson's methods and orders.

662. Since staying on the team and in competitions were critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

663. Not once did Plaintiff see Anderson for issues related to his genitals or anus; yet during most of the 18 to 22 times that Anderson treated Plaintiff, he ordered him to remove his pants or wrestling singlet.

664. Among Plaintiff's teammates on the wrestling team, it was known that if you had to seek medical treatment and see Anderson, then "get prepared to drop your drawers."

665. During most of the 18 to 22 times Plaintiff saw Anderson, Anderson would inappropriately touch Plaintiff's penis and genitals.

666. During these visits, Anderson would claim he needed to touch Plaintiff's penis for his research, which he needed to continuously monitor.

667. Plaintiff felt each of these visits with Anderson was a creepy encounter.

668. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his rigorous wrestling regimen to do as he was ordered by those in positions of authority.

669. Indeed, the physical and emotional rigors of wrestling require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

670. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

671. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male

athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

672. When the abuse began, Plaintiff, an 18-year old alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

673. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual genital manipulations were not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-21

674. As a senior in high school, Plaintiff was recruited by UM and several other Division I college football programs. Plaintiff loves UM and the winged helmet and chose Michigan above all other scholarship offers.

675. When Plaintiff arrived on campus in 1980s as freshman, he saw Anderson for a physical exam which was required for participation with the football program.

676. At the time, he was only an 18-year old freshman when he was first sexually assaulted by Anderson.

677. The assaults – digital anal penetrations – continued while he was an

undergraduate student.

678. While Plaintiff attended UM and participated on the football team as an undergraduate, he saw Anderson at least eight (8) times over his career for physicals and other various medical issues, ranging from the common cold to minor sport injuries.

679. While Plaintiff was in the football program and attending UM, Anderson was his exclusive primary care physician.

680. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

681. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the football team, to see Anderson for all their medical needs.

682. It was further required and expected that all football players not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

683. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

684. As the UM Athletic Department's physician and "gatekeeper,"

Anderson had the power to keep football players off the field under the guise of a diagnosis if Plaintiff did not comply with Anderson's methods and orders.

685. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

686. Not once did Plaintiff see Anderson for issues related to his anus or digestive tract or anything remotely related to his anus; yet, on at least four occasions when Anderson treated Plaintiff, he ordered him to remove his pants and then digitally penetrated his anus.

687. It was because of this common plan and scheme of conduct that Plaintiff and Plaintiff's teammates often referred to Anderson as "Dr. A" – which stood for "Dr. Ass."

688. Plaintiff had not complained of any medical issues or complaint related to his anus or buttocks during any visit with Anderson.

689. Plaintiff felt very nervous and uncomfortable about Anderson's odd acts but did not report them as Plaintiff was conditioned by UM staff to believe Anderson was administering valid medical treatment.

690. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his rigorous football and athletic regimen to do as he was ordered by those in positions of authority.

691. Indeed, the physical and emotional rigors of football require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

692. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

693. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

694. When the abuse began, Plaintiff, an 18-year old alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

695. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-22

696. As a senior in high school, Plaintiff was recruited by UM and several other Division I college wrestling programs.

697. Plaintiff chose UM above all others for, among other reasons, its tradition, the respect for its degrees, and its national reputation for leadership and integrity.

698. When Plaintiff arrived on campus in 1980s as a freshman, he saw Anderson for a physical exam which was required for participation with the wrestling program.

699. While Plaintiff attended UM, he saw Anderson several times.

700. On one occasion early in Plaintiff's freshman year, Plaintiff had to see Anderson for the treatment of a headache and an infectious (non-sexual) disease that commonly occurs in college dormitories.

701. Yet, when Plaintiff saw Anderson, Anderson ordered Plaintiff to remove his pants so Anderson could look at his penis and testicles.

702. Plaintiff questioned this order by saying he did not have any issue related to his penis or testicles.

703. Anderson continued and groped Plaintiff's penis and testicles inappropriately.

704. Plaintiff told his teammates, most of whom told Plaintiff they had

similar experiences when visiting Anderson for issues completely unrelated to their penis' or testicles, but nonetheless, had to remove their pants or wrestling singlets and endure groping.

705. Plaintiff did not question Anderson's odd conduct because he was not aware of how medical examinations should be conducted and, as a scholarship athlete who could not otherwise afford college at UM, he was conditioned not to question an authority figure in the Athletic Department.

706. Eventually, Plaintiff left UM and wrestled for a different Division I program where he was not subjected to conduct like what he experienced with Anderson at UM.

707. While Plaintiff was in the wrestling program and attending UM, Anderson was his exclusive primary care physician.

708. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

709. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the wrestling team, to see Anderson for all their medical needs.

710. It was further required and expected that all wrestlers not only see Anderson for any ailment, but to also unquestioningly follow his procedures and orders.

711. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

712. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep wrestlers off the mat under the guise of a diagnosis if Plaintiff did not comply with Anderson's methods and orders.

713. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

714. Not once did Plaintiff see Anderson for issues related to his genitals or penis.

715. It was because of Anderson's common plan and scheme of conduct that Plaintiff and Plaintiff's teammates often referred to Anderson as "Dr. Drop your drawers."

716. Plaintiff felt very nervous and uncomfortable about Anderson's odd acts but did not report them as Plaintiff was conditioned by UM staff to believe Anderson was administering valid medical treatment.

717. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his wrestling and athletic regimen to do as he was ordered by those in

positions of authority.

718. Indeed, the physical and emotional rigors of wrestling require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

719. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

720. At the time of Anderson's treatment – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

721. When the abuse began, Plaintiff, an 18-year old alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

722. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and

molestation.

JOHN DOE MC-23

723. As a senior in high school, Plaintiff was recruited by UM and several other Division I football programs.

724. Plaintiff chose UM above all others for, among other reasons, its tradition, the universal respect for its degrees, and its national reputation for leadership and integrity.

725. When Plaintiff was recruited, UM's coaches assured Plaintiff and his parents that he would be protected at UM.

726. Plaintiff specifically remembers the head coach telling Plaintiff and his parents that he would be a father figure to Plaintiff and would watch out and protect him while Plaintiff was at UM.

727. When Plaintiff arrived on campus in the 1970s as a freshman, he saw Anderson for a physical exam which was required for participation with the football program.

728. At this first visit, Plaintiff was a 17-year old minor.

729. While Plaintiff attended UM, he saw Anderson on several other occasions for medical treatment.

730. On two occasions, Anderson sexually assaulted Plaintiff through nonconsensual digital anal penetration and genital manipulation, including during

Plaintiff's original examination when he was only a 17-year old minor.

731. Plaintiff saw Anderson for physicals, sport injuries involving his knees and other common Division I football injuries, as well as for common illnesses such as a cold or flu.

732. On each of the two relevant occasions, Anderson both genitally manipulated Plaintiff's penis and testicles for longer than necessary and inserted his finger into Plaintiff's anus.

733. On neither of these two occasions did Plaintiff complain of any ailment, illness, or injury related to his penis, testicles, or anus.

734. Yet each time Anderson had Plaintiff lay naked on an examination table.

735. Anderson's conduct surprised Plaintiff as the reason for his visits had nothing to do with Plaintiff's anus, digestive system, or groin.

736. On these occasions Anderson also spent an inordinate time examining and touching Plaintiff's genitals, including his penis and testicles. Plaintiff has never had such an intrusive athletic or general health examination in his life.

737. During Dr, Anderson's examinations of Plaintiff's genitals, Anderson would hold Plaintiff's penis and testicles in his hands much longer than any of Plaintiff's prior or subsequent medical examiners.

738. During these same genital examinations, Anderson, both during and

after touching Plaintiff's penis and testicles for putative medical issues, said to Plaintiff, "when we are done with you, you can check mine (Anderson's penis and testicles)." And then Anderson unzipped his own pants.

739. Plaintiff ignored and rejected Anderson's invitations to touch Anderson's penis and testicles, and instead tried to change the conversation.

740. Anderson's inappropriate conduct – concealed in the guise of medical treatment - was common knowledge among Plaintiff's teammates during the four years that Plaintiff actively played football for the Maize and Blue of UM.

741. Plaintiff did not question Anderson's odd conduct because he was not familiar with how medical examinations were supposed to be conducted and because, as a scholarship athlete who could not otherwise afford college at UM, he was conditioned not to question an authority figure in the Athletic Department.

742. While Plaintiff played on the football team as a highly recruited and desired athlete, Anderson was his assigned primary care physician and so he could not see any other doctors while he was a UM student.

743. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

744. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the football team to see Anderson for all their medical needs.

745. It was further required and expected that all football players not only see Anderson for any ailment but to also unquestioningly follow his procedures and orders.

746. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

747. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep football players off the field under the guise of a medical diagnosis if Plaintiff did not comply with Anderson's methods and orders.

748. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

749. During Anderson's assaults, Plaintiff had to adopt a "you're in the Army now" attitude to endure the acts.

750. Not once did Plaintiff see Anderson for issues related to his genitals or penis or anus.

751. Plaintiff felt very nervous and uncomfortable about Anderson's odd acts but did not report them as Plaintiff was conditioned by UM staff to believe Anderson was administering valid medical treatment.

752. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his football and athletic training to do as he was ordered by those in positions of authority.

753. Indeed, the physical and emotional rigors of football require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

754. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

755. At the time of Anderson's treatment – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

756. When the abuse began, Plaintiff, a 17-year old alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

757. At the time, Plaintiff had no medical training or experience, and was

not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-24

758. Plaintiff loves UM and chose to play ice hockey on its varsity team.

759. When Plaintiff arrived on campus in 1969 as a freshman, he saw Anderson for a physical exam which was required for participation with the ice hockey team.

760. At the time, he was sexually assaulted by Anderson.

761. The assaults – digital anal penetrations – continued while he was an undergraduate student.

762. While Plaintiff attended UM and participated on the hockey team as an undergraduate, he saw Anderson numerous times over his career for physicals and other various medical issues, ranging from concussions to issues with both knees.

763. While Plaintiff was in the hockey program and attending UM, Anderson was his assigned primary care physician and he did not see any other doctors.

764. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

765. Plaintiff's head coach, assistant coaches, and trainers directed and

required Plaintiff, and all other members of the hockey team, to see Anderson for all their medical needs.

766. It was further required and expected that all hockey players, and all other varsity athletes, not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

767. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

768. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep hockey players off the ice under the guise of a diagnosis if Plaintiff did not comply with Anderson's methods and orders.

769. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

770. Not once did Plaintiff see Anderson for issues related to his genitals, anus or digestive tract or anything remotely related to his anus or genitals; yet, on at least three to four (3 to 4) occasions when Anderson treated Plaintiff, he ordered him to remove his pants and digitally penetrated his anus; and on twelve (12) other occasions, he excessively touched his genitals.

771. Plaintiff had not complained of any medical issues or complaint related to his anus, buttocks, or genitals on any of these visits.

772. Plaintiff felt very weird, strange and violated about Anderson's acts taken in the guise of medical treatment but was too worried to report these odd acts.

773. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his rigorous athletic regimen to do as he was ordered by those in positions of authority.

774. Indeed, the physical and emotional rigors of hockey, and athletics in general, require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

775. Plaintiff trusted his coaches and trainers who told him to see Anderson three to four times per year, and so it followed that he trusted Anderson as his physician.

776. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

777. Plaintiff trusted Anderson as a medical professional and authority figure.

778. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual genital touching and digital anal penetration was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-25

779. Plaintiff loves UM and the winged helmet and so chose to play football as a scholarship athlete.

780. When Plaintiff arrived on campus in the 1970s as freshman, he saw Anderson for a physical exam which was required for participation with the football program.

781. During this visit, Plaintiff was sexually assaulted for the first time by Anderson.

782. The assaults – digital anal penetrations and genital manipulation – continued while he was an undergraduate student.

783. While Plaintiff attended UM and participated on the football team and other sports as an undergraduate, he saw Anderson numerous times over his career for physicals and other various medical issues, ranging from the common cold to minor sport injuries, such as rib and arm fractures.

784. While Plaintiff was in the Athletic Department and attending UM, Anderson was his assigned primary care physician and he did not see any other doctors.

785. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

786. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the football team, to see Anderson for all their medical needs.

787. It was further required and expected that all football players, and all other varsity athletes, not only see Anderson for any ailment, but to unquestioningly follow his procedures and orders.

788. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

789. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep football players off the field under the guise of a diagnosis if Plaintiff did not comply with Anderson's methods and orders.

790. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions

required to keep them there, including Anderson's uncomfortable treatments.

791. Not once did Plaintiff see Anderson for issues related to his anus or digestive tract or anything remotely related to his anus; yet, on at least eight to ten (8 to 10) occasions, Anderson ordered Plaintiff to remove his pants and then digitally penetrated his anus.

792. Plaintiff had not complained of any medical issues or complaint related to his anus or buttocks on any of these 8 to 10 visits.

793. During a number of these assaults, Plaintiff saw that Anderson was noticeably sweating and seemed like he really enjoyed anally penetrating Plaintiff.

794. On several of these same 8 to 10 visits, Anderson would also excessively touch Plaintiff's testicles and pull on Plaintiff's penis. No other doctor has ever touched Plaintiff's testicles and penis in the same manner during Plaintiff's sixty-plus years.

795. Plaintiff felt very nervous and uncomfortable about Anderson's odd acts but did not report them as Plaintiff was conditioned by UM staff to believe Anderson was administering valid medical treatment.

796. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his rigorous football and athletic regimen to do as he was ordered by those in positions of authority.

797. Indeed, the physical and emotional rigors of football require very high

tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

798. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

799. At the time of Anderson's treatments – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

800. Plaintiff trusted Anderson as a medical professional and authority figure.

801. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-26

802. As a senior in high school, Plaintiff was recruited by UM and several other Division I football programs.

803. Plaintiff chose UM above all others for, among other reasons, its tradition, the universal respect for its degrees, and its national reputation for leadership and integrity.

804. When Plaintiff was recruited, UM's coaches assured Plaintiff and his family that he would be protected at UM.

805. When Plaintiff arrived on campus in the 1970s as a freshman, he saw Anderson for a physical exam which was required for participation with the football program.

806. Plaintiff saw Anderson for, among other things, several subsequent physicals, treatment of minor sport injuries, as well as for the treatment of common illnesses such as colds or flu.

807. On four (4) occasions, Anderson sexually assaulted Plaintiff by digitally penetrating his anus.

808. On two (2) of these occasions, Anderson also excessively groped and fondled Plaintiff's penis and testicles. These two occasions of groping and fondling were unlike any prior or later medical exams Plaintiff had during his long athletic career.

809. At no time during these four visits with Anderson did Plaintiff complain of any ailment, illness, or injury related to his penis, testicles, or anus.

810. Yet each time Anderson told Plaintiff to strip down naked.

811. Plaintiff was surprised when Anderson digitally penetrated Plaintiff's anus because the reason for the visits had nothing to do with Plaintiff's anus, digestive system, or groin.

812. Plaintiff was equally surprised by Anderson's genital groping of his penis and testicles.

813. Plaintiff did not understand how any of these examinations related to playing football, but did not feel he could question Anderson's authority because, among other things, Anderson traveled with team, had full access to all team events, and possessed every indication of authority like a coach.

814. Anderson's inappropriate conduct – concealed in the guise of medical treatment - was common knowledge among Plaintiff's teammates during the four years that Plaintiff actively played football for UM.

815. Plaintiff did not question Anderson's odd conduct because he was not familiar with how a proper medical examination was conducted, and because, as a scholarship athlete who could not otherwise afford college at UM, he was conditioned not to question an authority figure in the Athletic Department.

816. While Plaintiff attended UM and played on the football team as a highly recruited and desired athlete, Anderson was his assigned primary care physician, and he did not see any other doctors.

817. And since UM was responsible for the medical care of its student

athletes, Anderson's services were readily available to Plaintiff and free of charge.

818. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the football team to see Anderson for all their medical needs.

819. It was further required and expected that all football players not only see Anderson for any ailment, but to also unquestioningly follow his procedures and orders.

820. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

821. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep football players off the field under the guise of a medical diagnosis if Plaintiff did not comply with Anderson's methods and orders.

822. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

823. Plaintiff felt very nervous and uncomfortable about Anderson's odd acts but did not report them as Plaintiff was conditioned by UM staff to believe Anderson was administering valid medical treatment.

824. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his football and athletic regimen to do as he was ordered by those in positions of authority.

825. Indeed, the physical and emotional rigors of football require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

826. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout his career, and so he trusted Anderson as his physician.

827. At the time of Anderson's treatment – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

828. When the abuse began, Plaintiff, an 18-year old alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

829. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital

fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-27

830. As a senior in high school, Plaintiff was recruited by UM and several other Division I football programs.

831. Plaintiff chose UM above all others for, among other reasons, its tradition, the universal respect for its degrees, and its national reputation for leadership and integrity.

832. When Plaintiff was recruited, UM's head football coach, defensive coordinator, offensive coordinator and other assistant coaches assured Plaintiff and his parents that Plaintiff would be protected at UM: "(Plaintiff) will be in good hands with us."

833. The coaches explained to Plaintiff's parents that one of the ways that UM would take care of and protect Plaintiff was with medical care while Plaintiff participated on the football team.

834. When Plaintiff arrived on campus in the 1980s as a freshman, he saw Anderson for a physical exam which was required for participation with the football program.

835. At this very first physical examination, Anderson sexually abused Plaintiff by groping and fondling Plaintiff's penis and testicles for an excessively

long period of time.

836. Except for other exams by Anderson, Plaintiff had never experienced such exams before, and has not experienced such exams since he left UM.

837. As Plaintiff left this first physical examination with Anderson, Plaintiff encountered Paul Schmidt, an athletic trainer and current UM Athletic Department employee, who laughed and told Plaintiff, "get used to that" – which Plaintiff understood as referring to Anderson's putative medical treatment.

838. During Plaintiff's four years with the football program it was common knowledge that "Dr. A" would commit odd acts in the guise of treatment of injuries or illnesses.

839. During Plaintiff's years on the football team, Plaintiff saw Anderson for a wide variety of sports-related injuries involving his wrist, shoulder, neck and other body parts, as well as common every-day illnesses such as the cold or flu.

840. Plaintiff saw Anderson at least twelve (12) times while he was on the football team.

841. On each one of these 12 visits, Anderson groped, fondled or cupped Plaintiff's penis and testicles for an excessively long time. During these incidents of inappropriate genital fondling, Anderson would also put his face within inches of Plaintiff's penis and testicles.

842. With one exception, Plaintiff never complained of any injury or

illnesses remotely related to his genitals or penis.

843. During one of the visits Anderson also digitally penetrated Plaintiff's anus.

844. Plaintiff had not complained of any illness or injury related to his anus, digestive system, prostrate, or any other ailment remotely related to his anus, before Anderson digitally penetrated him.

845. Plaintiff eventually did everything he could to avoid contact with Anderson, despite his continuing sports injuries.

846. Anderson's inappropriate conduct – concealed in the guise of medical treatment - was comm/on knowledge among Plaintiff's teammates during the four years that Plaintiff actively played football for UM.

847. Plaintiff did not openly question Anderson's odd conduct, because he was not familiar with how medical examinations were conducted, and because, as a scholarship athlete who could not otherwise afford college at UM, he was conditioned not to question an authority figure in the Athletic Department.

848. While Plaintiff attended UM and played on the football team as a highly recruited and desired athlete, Anderson was his assigned primary care physician and he did not see any other doctors.

849. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

850. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the football team to see Anderson for all their medical needs.

851. It was further required and expected that all football players not only see Anderson for any ailment, but to also unquestioningly follow his procedures and orders.

852. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

853. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so he trusted Anderson as his physician.

854. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep football players off the field under the guise of a medical diagnosis if Plaintiff did not comply with Anderson's methods and orders.

855. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

856. Plaintiff felt very nervous and uncomfortable about Anderson's odd acts but did not report them as Plaintiff was conditioned by UM staff to believe

Anderson was administering valid medical treatment.

857. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his football and athletic regimen to do as he was ordered by those in positions of authority.

858. Indeed, the physical and emotional rigors of football require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

859. At the time of Anderson's treatment – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

860. When the abuse began, Plaintiff, an 18-year old alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

861. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and

molestation.

JOHN DOE MC-28

862. As a senior in high school in a small town in Michigan, Plaintiff was recruited by UM and several other Division I football programs.

863. Plaintiff chose UM above all others for, among other reasons, its tradition, the universal respect for its degrees, and its national reputation for leadership and integrity.

864. When Plaintiff was recruited, UM's coaches assured Plaintiff and his parents that he would be protected at UM.

865. When Plaintiff arrived on campus in the late 1960s as a freshman, he saw Anderson for a physical exam which was required for participation with the football program.

866. At this first visit, Plaintiff was a young 18-year old.

867. While Plaintiff attended UM, he was required to see Anderson on several other occasions for medical treatment, first as a member of the football team and later as a participant in another UM athletic program.

868. On 16-32 occasions, Anderson sexually assaulted Plaintiff, including the first time Plaintiff saw Anderson for a physical when he arrived on campus as a Freshman. During every visit, Anderson "milked" Plaintiff's penis (the word Anderson used to describe what he was doing) and fondled Plaintiff's testicles, and

during most of the visits, Anderson digitally penetrated Plaintiff's anus.

869. Plaintiff saw Anderson for physicals, sport injuries involving pulled muscles, bruises, groin pulls, shoulder irritation, as well as for common colds.

870. On each relevant occasion, Anderson manipulated Plaintiff's penis and testicles for a longer than necessary, and most of the time, Anderson inserted his finger into Plaintiff's anus.

871. On no occasion during these visits did Plaintiff complain of any ailment, illness, or injury related to his penis, testicles, or anus, nor any digestive system issues.

872. Plaintiff never had, or has had, such an intrusive athletic or general health examination in his life.

873. Anderson's inappropriate conduct – concealed in the guise of medical treatment - was common knowledge among Plaintiff's teammates.

874. Plaintiff did not question Anderson's odd conduct because he was not familiar with how medical examinations were conducted and because, as a scholarship athlete who could not otherwise afford college at UM, he was conditioned not to question an authority figure in the Athletic Department.

875. Indeed, it was unheard of and unthinkable for a teenager to question coaches and adults in authority in the 1960s.

876. While Plaintiff attended UM and played on the football team as a

highly-recruited and desired athlete as a freshman and later participated in another athletic program at UM, Anderson was his assigned primary care physician and he did not see any other doctors.

877. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

878. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the athletic teams Plaintiff participated in to see Anderson for all their medical needs.

879. It was further required and expected that all members of the athletic teams Plaintiff participated in not only see Anderson for any ailment, but to also unquestioningly follow his procedures and orders.

880. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

881. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep football players off the field under the guise of a medical diagnosis if Plaintiff did not comply with Anderson's methods and orders.

882. In Plaintiff's case, Anderson yielded that power, forcing Plaintiff to sit out of the critically important spring freshman football game because of alleged

"twisted testicles"; Anderson took this critical opportunity away from Plaintiff when he would have been evaluated against his peers, a missed opportunity that ultimately led to his collegiate football career ending after his freshman year.

883. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

884. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his football and athletic regimen to do as he was ordered by those in positions of authority.

885. Indeed, the physical and emotional rigors of football and the other sport Plaintiff participated in require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

886. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so it followed that he trusted Anderson as his physician.

887. At the time of Anderson's treatment – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's

actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

888. When the abuse began, Plaintiff, an 18-year old alone and away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

889. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-29

890. As a senior in high school, Plaintiff was recruited by UM and several other Division I gymnastics programs.

891. Plaintiff chose UM above all others for, among other reasons, its tradition, the universal respect for its degrees, and its national reputation for leadership and integrity.

892. When Plaintiff was recruited, UM's coaches assured Plaintiff and his parents that he would be protected at UM.

893. When Plaintiff arrived on campus in the late 1960s as a freshman, he saw Anderson for a physical exam which was required for participation with the

gymnastics program.

894. During his next four years at the UM, extending into the 1970s, Plaintiff saw Anderson for physicals and routine medical visits.

895. During Plaintiff's sophomore year he saw Anderson for a physical.

896. During this physical examination Anderson played with Plaintiff's penis and testicles through excessive fondling and groping.

897. During the same physical examination Anderson also digitally penetrated Plaintiff's anus.

898. Plaintiff never complained of any issue with his penis, testicles, or anus before Anderson performed these inappropriate acts on Plaintiff, nor did Plaintiff complain of anything remotely related to any injury or illness that would have justified nonconsensual digital anal penetration or genital manipulation.

899. At the time of these sexual assaults, Plaintiff was a relatively naïve 19-year old who trusted doctors and believed they could do no wrong.

900. As a result of the trauma caused by Plaintiff's visits with Anderson, Plaintiff has not seen a physician for a physical or routine check-up in almost 50 years.

901. Plaintiff did not question Anderson's odd conduct because as an athlete he was conditioned not to question an authority figure in the Athletic Department.

902. While Plaintiff attended UM and competed on the gymnastics team as

a highly recruited and desired athlete, Anderson was his assigned primary care physician and he did not see any other doctors.

903. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

904. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the gymnastics team to see Anderson for all their medical needs.

905. It was further required and expected that all gymnasts not only see Anderson for any ailment, but to also unquestioningly follow his procedures and orders.

906. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

907. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep gymnasts out of competition under the guise of a medical diagnosis if Plaintiff did not comply with Anderson's methods and orders.

908. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

909. Plaintiff felt very nervous and uncomfortable about Anderson's odd acts but did not report them as Plaintiff was conditioned by UM staff to believe Anderson was administering valid medical treatment.

910. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his gymnastic and athletic regimen to do as he was ordered by those in positions of authority.

911. Indeed, the physical and emotional rigors of gymnastics require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

912. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout the year, and so he trusted Anderson as his physician.

913. At the time of Anderson's treatment – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

914. When the abuse began, Plaintiff, a young man away from home for the first time in his life, trusted Anderson as a medical professional and authority figure.

915. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual digital anal penetration and genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-30

916. Before attending UM, Plaintiff was recruited by UM and several other Division I universities to play college hockey on a scholarship.

917. Plaintiff chose UM above all others for, among other reasons, its tradition, the universal respect for its degrees, and its national reputation for leadership and integrity.

918. When Plaintiff was recruited, UM's coaches assured Plaintiff and his parents that he would be protected at UM.

919. When Plaintiff arrived on campus in the 1990s as a freshman, he saw Anderson for a physical exam which was required for participation with the hockey program.

920. During his next four years at UM, Plaintiff saw Anderson several times for physicals and routine medical visits related to injuries caused by the physical rigors of hockey, and for ordinary medical ailments such as the flu.

921. During at least five (5) of those visits, Anderson committed unnecessary and inappropriate acts on Plaintiff's penis and testicles.

922. During these five visits, and while Plaintiff was naked, Anderson would pull up his doctor's seat on rollers and put his face just 3 or 4 inches from Plaintiff's penis and testicles. Anderson then would cup and roll Plaintiff's testicles around his hand before moving on to Plaintiff's penis, where he would flop and move around Plaintiff's penis, up and down and side to side, for up to a minute at a time.

923. Neither before nor since has Plaintiff experienced such a medical examination of his penis or testicles.

924. Plaintiff did not complain of any injury or ailment or illness related to his penis or testicles before or during these visits. Indeed, Plaintiff recalls one of these visits was for the treatment of the flu.

925. During one of these visits, Anderson also oddly commented that Plaintiff "had large testicles."

926. During one of these visits, Anderson also had Plaintiff stand naked in front of Anderson, and then ordered him to turn around, bend over, and touch his toes - thus revealing Plaintiff's naked buttocks and posterior body to Anderson.

927. Plaintiff had never complained of any ailments or injuries related to his anus, buttocks, digestive system, or skin that would arguably require Anderson to look at Plaintiff's bent over naked buttocks and posterior body.

928. During Plaintiff's four years on the UM hockey team it was common knowledge among the hockey team members that Anderson engaged in odd conduct

and many of his teammates called Anderson "Dr. Drop Your Pants" or something similar.

929. Plaintiff did not question Anderson's odd conduct because he was not familiar with how medical examinations were properly conducted and because, as a scholarship athlete, he was conditioned not to question an authority figure in the Athletic Department who could impact his playing time or scholarship.

930. While Plaintiff attended UM and competed on the hockey team as a highly recruited and desired athlete, Anderson was his assigned primary care physician and he did not see any other doctors.

931. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

932. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the hockey team to see Anderson for all their medical needs.

933. It was further required and expected that all hockey players not only see Anderson for any ailment, but to also unquestioningly follow his procedures and orders.

934. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat

with Anderson – and no other primary physician – while he was a UM student.

935. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep hockey players off the ice under the guise of a medical diagnosis if Plaintiff did not comply with Anderson's methods and orders.

936. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's uncomfortable treatments.

937. Plaintiff felt very nervous and uncomfortable about Anderson's odd acts but did not report them as Plaintiff was conditioned by UM staff to believe Anderson was administering valid medical treatment.

938. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his hockey and athletic regimen to do as he was ordered by those in positions of authority.

939. Indeed, the physical and emotional rigors of hockey require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

940. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout Plaintiff's career, and so it followed that he trusted Anderson as his physician.

941. At the time of Anderson's treatment – not knowing (a) Anderson's acts

were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality, yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

942. When the abuse began, Plaintiff, a young man away from home, trusted Anderson as a medical professional and authority figure.

943. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-31

944. Before attending UM, Plaintiff was heavily recruited by UM and several other Division I universities to play college football on a scholarship.

945. Plaintiff chose UM above all others for, among other reasons, its tradition, the universal respect for its degrees, and its national reputation for leadership and integrity.

946. When Plaintiff was recruited, UM's football coaches assured Plaintiff and his parents that he would be protected at UM.

947. When Plaintiff arrived on campus in the 1980s as a freshman, he saw

Anderson for a physical exam which was required for participation with the football program.

948. During his next four years at the UM, Plaintiff saw Anderson several times for physicals and routine medical visits related to minor sports injuries and for ordinary medical ailments such as the cold or flu.

949. During at least two (2) of those visits, Anderson committed unnecessary and inappropriate acts on Plaintiff's penis and testicles.

950. During these two visits, Anderson groped Plaintiff's testicles and grabbed Plaintiff's penis in an aggressive manner, and for an excessively long period of time.

951. Plaintiff was disturbed by Anderson's acts because, both before and after these physicals, Plaintiff has never experienced a medical examination where a doctor did such things for as long as Anderson did them.

952. It was awkward, and Plaintiff felt weird during Anderson's extensive fondling of his genitals.

953. On neither of these two occasions (nor at any time during his career at UM) did Plaintiff complain of any injury or illness related to his penis or testicles, or anything remotely related to his genitalia.

954. During Plaintiff's four years on the football team, it was common knowledge among the football players that Anderson engaged in odd conduct in the

exam room.

955. Plaintiff did not question Anderson's odd conduct because as a scholarship athlete he was conditioned not to question an authority figure in the Athletic Department who could impact his playing time or scholarship.

956. While Plaintiff attended UM and competed on the football team as a highly recruited and desired athlete, Anderson was his assigned primary care physician and he did not see any other doctors.

957. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

958. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the football team to see Anderson for all their medical needs.

959. It was further required and expected that all football players not only see Anderson for any ailment, but to also unquestioningly follow his procedures and orders.

960. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

961. As the UM Athletic Department's physician and "gatekeeper,"

Anderson had the power to keep football players off the field under the guise of a medical diagnosis if Plaintiff did not comply with Anderson's methods and orders.

962. Since staying on the team and on the field was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's odd and uncomfortable treatments.

963. Plaintiff felt very nervous and uncomfortable about Anderson's odd acts but did not report them as Plaintiff was conditioned by UM staff to believe Anderson was administering valid medical treatment.

964. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his football and athletic regimen to do as he was ordered by those in positions of authority.

965. Indeed, the physical and emotional rigors of football require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

966. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout Plaintiff's career, and so it followed that he trusted Anderson as his physician.

967. At the time of Anderson's treatment – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality, yet intentionally and wantonly gave him access to sexually abuse male

athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

968. When the abuse began, Plaintiff, a young and naïve man away from home, trusted Anderson as a medical professional and authority figure.

969. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-32

970. Before attending UM, Plaintiff was heavily recruited by UM and several other Division I universities from across the Nation to play college football on a scholarship.

971. Plaintiff chose UM above all others for, among other reasons, its tradition, the universal respect for its degrees, its national reputation for leadership and integrity, and his feeling that the football coaches were like father figures.

972. When Plaintiff was recruited, UM's football coaches assured Plaintiff and his parents that he would be protected at UM.

973. When Plaintiff arrived on campus in the 1980s as a freshman, he saw Anderson for a physical exam which was required for participation with the football

program.

974. During his ensuing years at the UM, Plaintiff saw Anderson numerous times for physicals and routine medical visits related to minor sports injuries and for ordinary medical ailments such as the cold or flu.

975. During approximately ten (10) of those visits, Anderson committed unnecessary and inappropriate acts on Plaintiff's penis and testicles.

976. Never in Plaintiff's long football career or as a mature adult has another doctor fondled Plaintiff's penis and testicles in an excessively long manner.

977. During these same 10 or so visits, Anderson would have Plaintiff lay down naked on an examination table and pull his legs up, or alternatively pull his pants down and bend over the examination table, and then digitally penetrate Plaintiff's anus with his fingers.

978. Never on any of these 10 or so visits, where Anderson committed approximately 20 sexual assaults on Plaintiff, did Plaintiff ever complain of any injury or illness remotely related to his anus, penis, or testicles.

979. On the contrary, several of these same visits were for minor illnesses such as strep throat where Plaintiff simply needed a prescription for antibiotics.

980. Because of these acts by Anderson, Plaintiff came to dread visiting Anderson and invariably left the exams feeling nasty or dirty, although not entirely certain as to why.

981. Plaintiff's teammates would talk nervously about Anderson's odd exams but would not share specifics with each other.

982. Plaintiff did not question Anderson's odd conduct because as a scholarship athlete he was conditioned not to question an authority figure in the Athletic Department who could impact his playing time or scholarship.

983. While Plaintiff attended UM and competed on the football team as a highly recruited and desired athlete, Anderson was his assigned primary care physician and he could not see any other doctors.

984. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

985. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the football team to see Anderson for all their medical needs.

986. It was further required and expected that all football players not only see Anderson for any ailment, but to also unquestioningly follow his procedures and orders.

987. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

988. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep football players off the field under the guise of a medical diagnosis if Plaintiff did not comply with Anderson's methods and orders.

989. Since staying on the team and in games was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's odd and uncomfortable treatments.

990. Plaintiff felt very nervous and uncomfortable about Anderson's odd acts but did not report them as Plaintiff was conditioned by UM staff to believe Anderson was administering valid medical treatment.

991. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his football and athletic regimen to do as he was ordered by those in positions of authority.

992. Indeed, the physical and emotional rigors of football require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

993. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout Plaintiff's career, and so it followed that he trusted Anderson as his physician.

994. At the time of Anderson's treatment – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's

criminality, yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

995. When the abuse began, Plaintiff, a young and naïve man away from home, trusted Anderson as a medical professional and authority figure.

996. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual genital fondling and nonconsensual digital anal penetrations were not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-33

997. Before attending UM, Plaintiff was heavily recruited by UM and close to fifty other Division I universities from across the Nation to play college football on a scholarship.

998. Plaintiff chose UM above all others for, among other reasons, its tradition, the universal respect for its degrees, its national reputation for leadership and integrity, seeing the UM Wolverines play in bowl games, and his connection with the coach who recruited him.

999. When Plaintiff was recruited, UM's football coaches assured Plaintiff

and his parents that he would be protected at UM.

1000. When Plaintiff arrived on campus in the 1970s as a 17-year-old freshman from outside the state of Michigan, he saw Anderson for a physical exam which was required for participation with the football program.

1001. While a student at UM, Plaintiff saw Anderson numerous times for physicals and routine medical visits related to minor sports injuries and for ordinary medical ailments such as colds or the flu.

1002. During Plaintiff's first physical exam with Anderson, Anderson told Plaintiff to "take off your clothes and sit on the table."

1003. Anderson then made a comment about Plaintiff's penis not being circumcised and then began to fondle Plaintiff's penis before grabbling Plaintiff's testicles.

1004. Anderson fondled Plaintiff's penis and testicles for a very long time.

1005. Anderson then ordered Plaintiff to lay on his back naked on the exam table, and then told Plaintiff to pull his knees up.

1006. Anderson then put his finger in Plaintiff's anus and moved it, which startled Plaintiff, and caused Plaintiff to tense up in surprise and pain.

1007. As a sophomore, Plaintiff had to once again see Anderson for a physical.

1008. And once again, Anderson ordered Plaintiff to take off his clothes, lay

on the examination table, and then Anderson again digitally penetrated Plaintiff's anus.

1009. During his sophomore year, Plaintiff made a non-specific complaint about Anderson's exams to trainer Lindsey McClain.

1010. Before his junior year physical exam, Plaintiff complained to trainer Russ Miller that he did not want to go through Anderson's physical examination, especially "the anal probe."

1011. During his junior year physical, Anderson did not digitally penetrate Plaintiff. Plaintiff does not know if Mr. Miller said something to Anderson or if Anderson just decided to not assault Plaintiff on that occasion.

1012. After Anderson's first assault on Plaintiff while he was freshman, Plaintiff was afraid to go back to Anderson for any reason, and at the same time, would not tell any of his teammates that Anderson had committed the acts of genital groping and anal penetration on him.

1013. During his three years with the football team, Plaintiff heard some of his teammates joke "Dr. Anderson took (players') virginity." But none of his teammates would admit anything happened to them.

1014. In the same way, Plaintiff heard other athletes from other sports at UM talk about Anderson while the athletes would socialize or hang out in the athletic dorm floors at South and West Quad on UM's campus.

1015. The talk was that Anderson did odd or weird acts during his medical examinations, but none would say exactly what those acts were or that Anderson did those acts to them.

1016. Plaintiff would not talk about Anderson's acts because that "would be showing weakness" and he would have to admit feeling "shame and guilt."

1017. Plaintiff left UM before his eligibility was done, in part because of the discomfort, disorientation, shame and guilt brought on by Anderson's odd and weird conduct.

1018. Never in Plaintiff's football career or as a mature adult has another doctor fondled Plaintiff's penis and testicles for as long as Anderson did.

1019. Nor had Plaintiff ever been subjected to a digital anal penetration during an athletic physical.

1020. On none of these occasions had Plaintiff complained about any ailment or injury involving his penis, testicles, or anus – or any symptom or complaint remotely related to those body parts.

1021. Plaintiff did not question Anderson's odd conduct because as a scholarship athlete he was conditioned not to question an authority figure in the Athletic Department who could impact his playing time or scholarship.

1022. While Plaintiff competed on the football team as a highly recruited and desired athlete, Anderson was his assigned primary care physician, and so he could

not see any other doctors while a UM student.

1023. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

1024. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the football team to see Anderson for all their medical needs.

1025. It was further required and expected that all football players not only see Anderson for any ailment but to also unquestioningly follow his procedures and orders.

1026. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

1027. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep football players off the field under the guise of a medical diagnosis if Plaintiff did not comply with Anderson's methods and orders.

1028. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's odd and uncomfortable treatments.

1029. Plaintiff felt very nervous about Anderson's odd acts but did not report

them as Plaintiff was conditioned by UM staff to believe Anderson was administering valid medical treatment.

1030. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his football and athletic regimen to do as he was ordered by those in positions of authority.

1031. Indeed, the physical and emotional rigors of football require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

1032. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout Plaintiff's career, and so it followed that he trusted Anderson as his physician.

1033. At the time of Anderson's treatment – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality, yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

1034. When the abuse began, Plaintiff, a young and naïve man away from home, trusted Anderson as a medical professional and authority figure.

1035. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual genital fondling and nonconsensual digital anal penetrations were not medical treatment but instead were sexual assault, abuse, and molestation.

JOHN DOE MC-34

1036. Before attending UM, Plaintiff was heavily recruited by UM and several other Division I universities from across the Nation to play college football on a scholarship.

1037. Plaintiff chose UM above all others for, among other reasons, its tradition, the universal respect for its degrees, its national reputation for leadership and integrity, and his connection with older teammates already at UM.

1038. When Plaintiff was recruited, UM's football coaches assured Plaintiff and his parents that he would be protected at UM.

1039. When Plaintiff arrived on campus in the 1980s as a freshman, he saw Anderson for a physical exam which was required for participation with the football program.

1040. While a student at UM, Plaintiff saw Anderson numerous times, perhaps up to fifteen (15) times, for physicals and routine medical visits related to minor sports injuries and for ordinary medical ailments such as the cold or flu.

1041. During all four physical exams performed by Anderson before Plaintiff

began each of his four seasons of football at UM, Anderson sexually assaulted Plaintiff by committing unnecessary and inappropriate acts on Plaintiff's penis and testicles, and intrusive digital anal penetrations of Plaintiff.

1042. During each physical exam, Anderson instructed Plaintiff to get fully naked, and Anderson would then fondle Plaintiff's genitals for an excessive period of time, longer than any other doctor has ever done during Plaintiff's life.

1043. During each physical exam, Anderson would also play with Plaintiff's penis by moving it around in a way, and for a length of time, that no other doctor has ever done to Plaintiff.

1044. Neither before nor after any of these exams did Plaintiff ever complain about any ailment or injury to his testicles or penis.

1045. During these same four visits, Anderson also digitally penetrated Plaintiff's anus.

1046. Neither before nor after any of these exams did Plaintiff ever complain about any ailment or injury to his anus, digestive system, or any body part that could have arguably justified this intrusion.

1047. Never in Plaintiff's long football career, or as a mature adult, has another doctor done anything remotely close to what Andersons did to Plaintiff.

1048. During these acts, Plaintiff would mentally go to a place where he couldn't hear anything, was not listening to anything, and just wanted to get it over.

1049. During the first exam, Plaintiff was only 17 years old, and during that exam and the ensuing exams, Plaintiff was frightened and tried to avoid any further visits with Anderson.

1050. Plaintiff avoided telling anyone about Anderson's acts because it was embarrassing.

1051. This embarrassment was exacerbated because Plaintiff would occasionally hear "Schmitty" – then UM trainer and now Assistant Athletic Director Paul Schmidt – and other football staff joke or chuckle about players' visits to Anderson as "they gotta go get fingered."

1052. Plaintiff did not question Anderson's odd conduct because as a scholarship athlete he was conditioned not to question an authority figure in the Athletic Department who could impact his playing time or scholarship.

1053. While Plaintiff attended UM and competed on the football team as a highly recruited and desired athlete, Anderson was his assigned primary care physician and he could not see any other doctors.

1054. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

1055. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the football team, to see Anderson for all their medical needs.

1056. It was further required and expected that all football players not only see Anderson for any ailment, but to also unquestioningly follow his procedures and orders.

1057. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

1058. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep football players off the field under the guise of a medical diagnosis if Plaintiff did not comply with Anderson's methods and orders.

1059. Since staying on the team and in games was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's odd and uncomfortable treatments.

1060. Plaintiff felt very nervous and uncomfortable about Anderson's odd acts but did not report them as Plaintiff was conditioned by UM staff to believe Anderson was administering valid medical treatment.

1061. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his football and athletic regimen to do as he was ordered by those in positions of authority.

1062. Indeed, the physical and emotional rigors of football require very high

tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

1063. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout Plaintiff's career, and so it followed that he trusted Anderson as his physician.

1064. At the time of Anderson's treatment – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality, yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

1065. When the abuse began, Plaintiff, a young and naïve man away from home, trusted Anderson as a medical professional and authority figure.

1066. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual genital fondling and nonconsensual digital anal penetrations were not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-35

1067. Plaintiff was recruited by UM and decided to attend UM to play college

football.

1068. Plaintiff chose UM for, among other reasons, its tradition, the universal respect for its degrees, its national reputation for leadership and integrity, and his feeling that the football coaches were like father figures.

1069. When Plaintiff was recruited, UM's football coaches assured Plaintiff and his parents that he would be protected at UM.

1070. When Plaintiff arrived on campus in the early 2000s as a freshman, he saw Anderson for a physical exam which was required for participation with the football program.

1071. During his next four years at UM, Plaintiff saw Anderson numerous times for physicals and routine medical visits related to minor sports injuries and for ordinary medical ailments such as the cold or flu.

1072. During Plaintiff's first physical examination Anderson committed unnecessary and inappropriate acts on Plaintiff's genitals. Specifically, Anderson touched and massaged Plaintiff's testicles for an extended period.

1073. Plaintiff thought this act "very strange" but, as a young and naïve major college football player, presumed the extended massage of his testicles was somehow part of the protocol for playing college football.

1074. With the exception of Anderson, never in Plaintiff's football or athletic career, or as a mature adult, has another doctor massaged Plaintiff's testicles in such

a fashion or for such a long time.

1075. During two other examinations early in Plaintiff's football career, Anderson performed equally unnecessary and intrusive acts on Plaintiff's genitals.

1076. On both occasions, Plaintiff saw Anderson for a minor illness because Anderson was the primary care physician for the football team.

1077. During both occasions, *after* Anderson addressed Plaintiff's primary complaint through a non-intrusive examination and appropriate prescriptive medicine, Anderson instructed Plaintiff to undress so he could perform a physical on him (despite the fact Plaintiff had already had his annual pre-football camp physical before the school year started).

1078. During both examinations, Anderson touched, held and moved Plaintiff's genitals for an extended period of time.

1079. As was the case with Plaintiff's first freshman year physical examination, these two unscheduled, purported, physical "hernia" exams were longer and different from any other physical exam Plaintiff has ever undergone from any other doctor during Plaintiff's life.

1080. Plaintiff did not question Anderson's odd and strange conduct because as a scholarship athlete he was conditioned not to question an authority figure in the Athletic Department who could impact his playing time or scholarship.

1081. While Plaintiff competed on the football team as a recruited and desired

athlete, Anderson was his assigned primary care physician.

1082. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

1083. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the football team to see Anderson for all their medical needs.

1084. It was further required and expected that all football players not only see Anderson for any ailment, but to also unquestioningly follow his procedures and orders.

1085. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, Plaintiff fell in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

1086. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep football players off the field under the guise of a medical diagnosis if Plaintiff did not comply with Anderson's methods and orders.

1087. Since staying on the team and in games was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's odd and uncomfortable treatments.

1088. Plaintiff felt very nervous and uncomfortable about Anderson's odd

acts but did not report them as Plaintiff was conditioned by UM staff to believe Anderson was administering valid medical treatment.

1089. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his football and athletic regimen to do as he was ordered by those in positions of authority.

1090. Indeed, the physical and emotional rigors of football require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

1091. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout Plaintiff's career, and so it followed that he trusted Anderson as his physician.

1092. At the time of Anderson's treatment – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality, yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

1093. When the abuse began, Plaintiff, a young and naïve man away from home, trusted Anderson as a medical professional and authority figure.

1094. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual genital fondling was not medical treatment, but instead sexual assault, abuse, and molestation.

JOHN DOE MC-36

1095. Plaintiff was recruited by UM to wrestle for the Wolverines.

1096. Plaintiff chose UM above all others for, among other reasons, its tradition, the universal respect for its degrees, its national reputation for leadership and integrity, and his connection with the coaches and future teammates.

1097. When Plaintiff was recruited, UM's wrestling coaches assured Plaintiff and his parents that he would be protected at UM.

1098. When Plaintiff arrived on campus in the 1990s as a freshman just turning 18 years old, he saw Anderson for a physical exam which was required for participation with the wrestling program.

1099. During his ensuing years of wrestling at UM, Plaintiff saw Anderson numerous times, for physicals and routine medical visits related to sports injuries to his shoulder, nose, and fingers, and ear drainages, as well as for ordinary medical ailments such as colds or the flu.

1100. Plaintiff saw Anderson up to fifteen times during Plaintiff's time on the wrestling team.

1101. During Plaintiff's very first physical exam with Anderson, Anderson

had Plaintiff strip down, becoming totally naked, while standing in front of Anderson.

1102. Anderson kept Plaintiff in this naked state for a long time as Anderson looked at the Plaintiff.

1103. Anderson then began fondling Plaintiff's testicles, pulling on his testicles, and then moved to pulling on Plaintiff's penis.

1104. This fondling and pulling was for a longer time and in a manner that Plaintiff had never encountered before or since with any other doctor.

1105. Anderson then had Plaintiff bend over the examination table, still completely naked, and Anderson inserted his finger into the opening of Plaintiff's anus.

1106. Anderson repeated the same conduct during Plaintiff's next annual physical examination with the wrestling team: first, Anderson made Plaintiff strip completely naked; second, Anderson had Plaintiff stand naked in front of him for an inordinate amount of time; third, Anderson then excessively pulled on Plaintiff's testicles and then Plaintiff's penis; and, fourth, Anderson then put his finger into Plaintiff's anus.

1107. Plaintiff recalls two different visits for a cold where, each time, Anderson told Plaintiff words to the effect "since you are here, let's look at your glands" and then had Plaintiff strip naked and excessively groped Plaintiff's penis and testicles and/or Anderson inserted his finger in Plaintiff's anus.

1108. Anderson did the excessive fondling and pulling of Plaintiff's testicles and penis on, at least, five occasions, between physical exams, injury treatments, or to treat a minor illness.

1109. Anderson digitally penetrated Plaintiff's anus on, at least, five occasions, between physical exams, injury treatments, or to treat a minor illness.

1110. On none of these occasions had Plaintiff complained about any ailment or injury involving his penis, testicles, or anus – or any symptom or complaint remotely related to those body parts.

1111. Plaintiff did not question Anderson's odd conduct because as a scholarship athlete he was conditioned not to question an authority figure in the Athletic Department who could impact his time on the mat or financial aid.

1112. While Plaintiff competed on the wrestling team as a highly trained athlete, Anderson was his assigned primary care physician, and so he could not see any other doctors while he was a UM student.

1113. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

1114. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the wrestling team to see Anderson for all their medical needs.

1115. It was further required and expected that all wrestlers not only see

Anderson for any ailment but to also unquestioningly follow his procedures and orders.

1116. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

1117. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep wrestlers off the mat under the guise of a medical diagnosis if Plaintiff did not comply with Anderson's methods and orders.

1118. Since staying on the team and in competitions was critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's odd and uncomfortable treatments.

1119. Plaintiff felt very nervous and uncomfortable about Anderson's odd acts but did not report them as Plaintiff was conditioned by UM staff to believe Anderson was administering valid medical treatment.

1120. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his wrestling and athletic regimen to do as he was ordered by those in positions of authority.

1121. Indeed, the physical and emotional rigors of wrestling require very high tolerance to extreme physical and emotional distress and pressure, such that

Anderson's actions were normalized and disregarded.

1122. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout Plaintiff's career, and so it followed that he trusted Anderson as his physician.

1123. At the time of Anderson's treatment – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality, yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

1124. When the abuse began, Plaintiff, a young and naïve man away from home, trusted Anderson as a medical professional and authority figure.

1125. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual genital fondling and nonconsensual digital anal penetrations were not medical treatment but instead were sexual assault, abuse, and molestation.

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1126. Plaintiff was recruited by UM and many other Division I football programs from across the Nation.

1127. Plaintiff chose UM above all others for, among other reasons, its tradition, the universal respect for its degrees, its national reputation for leadership and integrity, and his connection with its football coaches.

1128. When Plaintiff was recruited, UM's football coaches assured Plaintiff and his parents that he would be protected at UM.

1129. When Plaintiff arrived on campus in the late 1960s as a freshman, alone and away from home for the first time, he saw Anderson for a physical exam which was required for participation with the football program.

1130. During his ensuing years of playing football which continued into the 1970s, Plaintiff saw Anderson numerous times, for physicals and routine medical visits related to minor sports injuries from playing highly competitive Division I football at UM.

1131. During Plaintiff's first physical exam with Anderson, Anderson began thoroughly fondling Plaintiff's testicles and penis for a long time, lingering on Plaintiff's genitalia.

1132. This fondling was for a longer time and in a manner that Plaintiff had never encountered before or since with any other doctor.

1133. Anderson then put his finger in Plaintiff's anus, which surprised Plaintiff.

1134. Plaintiff thought both acts – excessive genital manipulation and anal

penetration – "odd" but accepted them as something he had to endure to play at UM.

1135. Anderson excessively groped Plaintiff's testicles and penis six to seven more times after the initial freshman physical exam described above for a total of seven or eight different assaults.

1136. Anderson also inserted his finger in Plaintiff's anus six or seven more times after the initial freshman physical exam described for a total of seven or eight different assaults.

1137. On none of these seven or eight occasions did Plaintiff complain about any ailment or injury involving his penis, testicles, or anus – or any symptom or complaint remotely related to those body parts.

1138. Plaintiff did not question Anderson's odd conduct because as a scholarship athlete he was conditioned not to question an authority figure in the Athletic Department who could impact his time on the field or scholarship.

1139. While Plaintiff attended UM and competed on the football team as a highly recruited and highly trained athlete, Anderson was his assigned primary care physician and so he could not see any other doctors.

1140. And since UM was responsible for the medical care of its student athletes, Anderson's services were readily available to Plaintiff and free of charge.

1141. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the football team to see Anderson for all

medical needs.

1142. It was further required and expected that all football players not only see Anderson for any ailment but to also unquestioningly follow his procedures and orders.

1143. And just as Plaintiff, a high-performing student athlete, was used to following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson – and no other primary physician – while he was a UM student.

1144. As the UM Athletic Department's physician and "gatekeeper," Anderson had the power to keep football players off the field under the guise of a medical diagnosis if Plaintiff did not comply with Anderson's methods and orders.

1145. Since staying on the team and in games were critically important to Plaintiff and his teammates, they accepted the grueling physical conditions required to keep them there, including Anderson's odd and uncomfortable treatments.

1146. Plaintiff felt very nervous and uncomfortable about Anderson's odd acts but did not report them as Plaintiff was conditioned by UM staff to believe Anderson was administering valid medical treatment.

1147. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his football and athletic regimen to do as he was ordered by those in positions of authority.

1148. Indeed, the physical and emotional rigors of football require very high tolerance to extreme physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

1149. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout Plaintiff's career, and so it followed that he trusted Anderson as his physician.

1150. At the time of Anderson's treatment – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality, yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

1151. When the abuse began, Plaintiff, a young and naïve man away from home, trusted Anderson as a medical professional and authority figure.

1152. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual genital fondling and nonconsensual digital anal penetrations were not medical treatment but instead were sexual assault, abuse, and molestation.

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1153. Plaintiff played lacrosse (now a varsity sport at UM) as a club, non-varsity sport within or under the authority of the Athletic Department.

1154. Plaintiff, while coached by, on information and belief, a UM-paid club coach, practiced and played on fields owned and operated by the UM Athletic Department, used Athletic Department-provided shower and locker facilities, and wore a UM branded and trademarked block "M" on his UM lacrosse jersey.

1155. Supported by these Athletic Department facilities, and wearing a UM jersey, Plaintiff and his teammates competed against a number of other Division I teams such as Notre Dame which were considered varsity teams by their institutions.

1156. To participate on the lacrosse team, Plaintiff was required to take an athletic physical before each season.

1157. During his four years on the UM lacrosse team, Plaintiff suffered from several sports injuries to his knees, shoulder, and other body parts related to playing lacrosse.

1158. From the time Plaintiff arrived on campus in the 1970s, Plaintiff's UM coach directed him to go Anderson, the Athletic Department's primary care physician for all his physicals and injury treatments.

1159. Indeed, when Plaintiff needed orthopedic surgery for one of his lacrosse injuries, he was directed to Dr. O'Connor, the Athletic Department's orthopedic

surgeon.

1160. On seven or eight of those visits, including the four annual physicals, Anderson fondled Plaintiff's penis and testicles, such that the long time period was much more than a thorough check.

1161. On those same visits, Anderson also put his finger in Plaintiff's anus.

1162. On half of those seven or eight visits Anderson ordered Plaintiff to take all of Plaintiff's clothes off.

1163. On none of these visits did Plaintiff complain of any injury to his penis, testicles, or anus – or any ailment or injury remotely related to those body parts.

1164. Plaintiff had never encountered putative "medical treatment" by any other doctor in his athletic career, nor since ending his athletic career, that involved such excessive groping of Plaintiff's penis and testicles, or indiscriminate digital anal penetrations, or getting completely naked for what was an otherwise routine medical visit.

1165. Plaintiff did not question Anderson's odd conduct because as an athlete he was conditioned not to question an authority figure in the Athletic Department.

1166. Plaintiff's head coach, assistant coaches, and trainers directed and required Plaintiff, and all other members of the lacrosse team to see Anderson for any of their sports-related needs.

1167. And just as Plaintiff, a high-performing student athlete, was used to

following orders of coaches, whether it be regarding diet, exercise, training, and even academic performance, so too did Plaintiff fall in line when he was instructed to treat with Anderson while he was a UM lacrosse athlete.

1168. Plaintiff felt very nervous and uncomfortable about Anderson's odd acts but did not report them as Plaintiff was conditioned by UM staff to believe Anderson was administering valid medical treatment.

1169. Although the treatments made Plaintiff uncomfortable, Plaintiff was trained by his lacrosse and athletic regimen to do as he was ordered by those in positions of authority.

1170. Indeed, the physical and emotional rigors of lacrosse require very high tolerance to physical and emotional distress and pressure, such that Anderson's actions were normalized and disregarded.

1171. Plaintiff trusted his coaches and trainers who told him to see Anderson several times throughout Plaintiff's career, and so it followed that he trusted Anderson as his physician.

1172. At the time of Anderson's treatment – not knowing (a) Anderson's acts were motivated by a criminal sexual intent and (b) that UM knew of Anderson's criminality, yet intentionally and wantonly gave him access to sexually abuse male athletes like Plaintiff – Plaintiff trusted representations made to him that Anderson's actions, under the guise of medical treatment and in the confines of a medical

examination room on UM's campus, were medically necessary and/or beneficial as treatment and/or a diagnostic prognosis.

1173. When the abuse began, Plaintiff, a young and naïve man away from home, trusted Anderson as a medical professional and authority figure.

1174. At the time, Plaintiff had no medical training or experience, and was not aware that Anderson's nonconsensual genital fondling and nonconsensual digital anal penetrations were not medical treatment but instead were sexual assault, abuse, and molestation.

VI. FRAUDULENT CONCEALMENT

1175. The following paragraphs alleging Fraudulent Concealment are true for all Plaintiffs, so references in "Section VII. Fraudulent Concealment" to a singular "Plaintiff" refer to each and every Plaintiff named in this Master Long-Form Complaint.

1176. The statute of limitations is tolled when "a person who is or may be liable for any claim fraudulently conceals the existence of the claim or the identity of any person who is liable for the claim from the knowledge of the person entitled to sue on the claim" under M.C.L. § 600.5855.

1177. Both Anderson, and Defendants, through their employees, agents, and representatives, including but not limited to athletic coaches, trainers, and directors, fraudulently concealed the existence of Plaintiff's claims by (1) concealing from

Plaintiff that the uncomfortable procedures conducted during medical examinations were in fact sexual abuse, (2) concealing from Plaintiff that UM and its employees, agents, and representatives were aware of Anderson's sexual abuse and did nothing to stop it, (3) affirmatively telling Plaintiff the procedures were normal and/or necessary, (4) publishing a statement that Anderson was a renowned physician to be trusted and respected in a publication delivered to and read by university students, and (5) concealing from Plaintiff that UM was aware of Anderson's abuse since at least 1968, thereby concealing UM's identity from Plaintiff as a "person who is liable for the claim," as set forth in more detail below.

A. Anderson's Fraudulent Concealment Imputed to UM.

1178. Anderson made affirmative representations to Plaintiff, referred to collectively as "Anderson's representations," that:

a. Anderson's genital manipulation and/or digital anal penetration was normal, necessary, proper, appropriate, legitimate, and/or medically beneficial;

b. Anderson's genital manipulation and/or digital anal penetration was normal, necessary, proper, appropriate, legitimate, and/or medically beneficial, when the patient is a healthy male between the ages of 17 and 24, with no reported issues related to his genitals and/or anus;

c. Anderson's genital manipulation and/or digital anal penetration was just another required procedure athletes must endure as a part of the systemic athletic department culture in which athletes were rigorously disciplined to obey without question every requirement related to improving their physical health and, in doing so, adapting to overcome high levels of emotional,

physical, and psychological stress and challenges;

d. Anderson was not sexually assaulting Plaintiff;

e. Plaintiff should not question and/or report the conduct to appropriate authorities;

f. Defendants, through their employees, agents, and representatives, including but not limited to athletic coaches, trainers, and directors, were aware of Anderson's treatments, that they still required Plaintiff to be subjected to it, and that they believed the treatments to be normal, necessary, proper, appropriate, legitimate, and/or medically beneficial; and

g. there was no possible cause of action against Anderson and/or UM.

1179. Anderson's representations were false. The UM Public Safety Department's recent investigation involving contact with medical professionals establishes that extended genital manipulation and/or digital anal penetration are almost never needed for any medical treatment of any issues normally experienced by college athletes.

1180. Anderson knew the representations were false. He conducted the sexual assaults for no reason other than for his own empowerment, sexual gratification, and/or pleasure. Anderson knew the genital manipulation and/or digital anal penetration were not proper, appropriate, legitimate, and/or considered within the standard of care by any physician of any specialty and/or sports therapist, particularly as the patients were young men (generally ages 17-25).

1181. Anderson's representations were material, in that had Plaintiff known

the representations were false, Plaintiff would have stopped seeking treatment from Anderson immediately.

1182. Anderson's representations were made with the intent that Plaintiff would rely on them as Anderson sought to continue sexually assaulting Plaintiff, and others, as evidenced by the fact that Anderson did, in fact, continue sexually assaulting Plaintiff, and others.

1183. Anderson's representations were also made with the intent of concealing from Plaintiff that he had a cause of action against Anderson and/or UM.

1184. Plaintiff did, in fact, rely on Anderson's representations; indeed, Anderson's representations led Plaintiff to continue seeking treatment from Anderson, and had he known Anderson's representations were false, Plaintiff would have stopped treating with Anderson.

1185. Anderson knew, and Plaintiff was in fact, particularly susceptible to believing Anderson's misrepresentations because:

a. Plaintiff was a young, naïve man (in the case of some Plaintiffs, minors) when Anderson abused him;

b. Anderson's representations were made within the context of a pervasive culture created by statements made by representatives of UM, including coaches, trainers, directors, and other leaders of the Athletic Department, that Anderson's treatments were necessary and Anderson was a competent and ethical physician, to be trusted and never questioned;

c. Plaintiff had no prior experience with legitimate and appropriately performed treatments that involve some genital

manipulation and/or digital anal penetration, so it was impossible for Plaintiff to differentiate a legitimate and appropriately performed genital or anal examination from a sexual assault;

d. Plaintiff could not have possibly known because there were no parents, coaches, guardians, caregivers, and/or other medical professionals in the room during the genital manipulation and/or digital anal penetration to observe, question, and/or discover that Anderson's treatments were sexual assaults, and this concealment from other adults deprived them of the opportunity to inform Plaintiff that he had been sexually assaulted and had a cause of action;

e. Based on Neuroscience, the prefrontal cortex of the brain, which is used to make decisions and distinguish right from wrong, is not fully formed until around the age of 25;

f. Based on Neuroscience, as the prefrontal cortex of the brain matures teenagers are able to make better judgments;

g. Plaintiff was intimidated by Anderson's notoriety and reputation and therefore believed his representations;

h. Plaintiff trusted Anderson due to his notoriety and reputation;

i. Plaintiff was compelled by Anderson to undergo genital manipulation and/or digital anal penetration like other athletes and not question them if he wanted to stay on the team, maintain his scholarship, and/or remain at UM to earn his college degree;

j. Plaintiff had no reason to believe or be aware that he could possibly sue or had a possible cause of action because he was a young man (in the case of some Plaintiffs, minors), who was not knowledgeable or aware of the civil justice system and applicable remedies at law;

k. Plaintiff had no reason to believe or be aware that he could possibly sue or had a possible cause of action when he was not aware of any other students coming forward with allegations of abuse, particularly since Anderson and UM concealed any such

allegations from students and the public in general and since the culture of the Athletic Department normalized Anderson's treatments;

l. Plaintiff had never previously heard about allegations in the media regarding sexual assaults or misconduct by Anderson, as there were no such reports; and

m. Plaintiff was never told by Anderson that his conduct was sexual in nature, unlike other victims of sexual abuse who are typically told by their perpetrators that their conduct is of a sexual nature and to conceal the sexual conduct from parents and others.

1186. Accordingly, Plaintiff did not know, could not have reasonably known, and was reasonably unaware of a possible cause of action that he had against Anderson and/or UM until he read an article published on or about February 19, 2020, regarding a complaint filed with UM's Police Department by a student abused by Anderson, at which point Plaintiff became aware he was the victim of sexual assault and that UM indirectly or directly caused the abuse by being aware Anderson was a sexual predator and failing to stop Anderson from harming students.

1187. Anderson also breached a fiduciary duty to Plaintiff, and so his failure to disclose material information was fraudulent.

1188. Anderson further concealed the fraud by affirmative acts that were designed and/or planned to prevent inquiry, so he and Defendants would escape investigation, in that he:

a. prevented other medical professionals, coaches, trainers, parents, guardians, and/or caregivers from being in the room during examinations and treatments of Plaintiff while he sexually

assaulted Plaintiff; and

b. did not abide by or follow the standard of care which requires another medical professional, coach, trainer, parent, guardian, and/or caregiver be in the room during the examination and treatment of patients.

1189. Anderson's representations caused Plaintiff's injuries related to (1) the sexual assaults; (2) discovering Anderson's uncomfortable treatments were in fact sexual assault on or about February 19, 2020; and (3) discovering Plaintiff's beloved alma mater that he devoted his life to, in many respects, betrayed him by placing him in the care of a known sexual predator.

1190. Plaintiff incorporates, by reference, the paragraphs above and below regarding damages suffered by Plaintiff as a result of UM's responsibility for Anderson's sexual assaults, UM's awareness and responsibility for Anderson's fraudulent misrepresentations about the sexual assaults, and/or UM's fraudulent misrepresentations.

1191. Anderson committed Fraudulent Concealment by concealing fraud with affirmative acts designed and/or planned to prevent inquiry, so he and Defendants would escape investigation.

1192. At all times pertinent to this action, Anderson was an agent, apparent agent, servant, and employee of UM and operated within the scope of his employment, and his negligence is imputed to UM.

1193. At all times pertinent to this action, Plaintiff was free of any negligence

contributing to the injuries and damages alleged.

B. Defendants' Fraudulent Concealment.

1194. Defendants, through their employees, agents, and representatives, including but not limited to athletic coaches, trainers, athletic directors, other athletic department representatives, and members of UM's administration, made affirmative representations to Plaintiff, referred to collectively as "Defendants' representations," that:

a. Anderson was to be trusted and not questioned, and his devotion to medical care at UM was worthy of public recognition and celebration, stating: "The University Health Service staff wish to acknowledge the 11 years of leadership provided by Robert E. Anderson, M.D. In January of 1980, Anderson resigned as Director of the University Health Service to devote more time to his clinical field of urology/andrology and athletic medicine…his many contributions to health care are acknowledged…The University Health Service staff wish to thank Anderson for his years of leadership and to dedicate the Annual Report to him," published in the Acknowledgement preface of Volume III of the President's Report of THE UNIVERSITY OF MICHIGAN for 1979-1980;

b. Anderson was to be trusted and not questioned as his services were worthy of recognition by UM dedicating "the Annual Report to him" even though UM and its executives knew that Easthope had fired Anderson for his inappropriate sexual conduct toward male students;

c. Anderson's genital manipulation and/or digital anal penetration was normal, necessary, proper, appropriate, legitimate, and/or medically beneficial;

d. Anderson's genital manipulation and/or digital anal penetration was normal, necessary, proper, appropriate, legitimate, and/or

medically beneficial, when the patient is a healthy male between the ages of 17 and 25, with no reported issues related to his genitals and/or anus;

e. Plaintiff was required to be subjected to Anderson's treatments as they were normal, necessary, proper, appropriate, legitimate, and/or medically beneficial;

f. Anderson would treat their ailments and injuries in an ethical and competent manner, and therefore non-criminal manner;

g. Anderson's genital manipulation and/or digital anal penetration was just another required procedure athletes must endure as a part of the systemic athletic department culture in which athletes were rigorously disciplined to obey without question every requirement related to improving their physical health and, in doing so, adapting to overcome high levels of emotional, physical, and psychological stress and challenges;

h. Anderson was not sexually assaulting Plaintiff;

i. Plaintiff should not question and/or report the conduct to appropriate authorities;

j. These affirmative representations were reasserted each time Defendants, their agents in the Athletic Department, head coaches, assistant coaches, and trainers sent an athlete to Anderson for treatment as each order to see Anderson was an affirmative representation that Anderson was competent, ethical, and would "do no harm," or otherwise assault the respective athletes; and

k. there was no possible cause of action against Anderson and/or UM.

1195. Defendants' representations were false. The UM's Public Safety Department's recent investigation involving contact with medical professionals establishes that extended genital and/or anal examinations are almost never needed

for any physical or medical treatment of any other issues normally experienced by college athletes.

1196. Defendants knew the representations were false. Defendants received several complaints since, at least, 1968 about Anderson's sexual assaults prior to Plaintiff arriving on campus. Indeed, Defendants removed Anderson from his position as UHS Director in 1979 because of sexual assault allegations, thereby demonstrating UM's knowledge the representations were false.

1197. Defendants made the material representations, knowing they were false and/or made the material representations recklessly, without any knowledge of their truth and as a positive assertion, in that they had previously received strikingly similar complaints of abuse by Anderson from other students and student athletes and knew that the appropriateness of his genital manipulation and/or digital anal penetration had been questioned in the past.

1198. Defendants' representations were material, in that had Plaintiff known the representations were false, he would have stopped seeking treatment from Anderson immediately.

1199. Defendants' representations were made with the intent that Plaintiff would rely on them as UM sought to prevent Plaintiff from discovering he had a cause of action against Anderson and/or UM.

1200. Plaintiff did, in fact, rely on Defendants' representations; indeed, the

representations led Plaintiff to treat with Anderson, and continue seeking treatment from Anderson, and had he known the representations were false, Plaintiff would have never treated with Anderson.

1201. Defendants concealed the fraud by affirmative acts that were designed and/or planned to prevent inquiry and escape investigation and prevent subsequent discovery of fraud, in that they:

a. Refused to terminate Anderson and thus validated him through continued employment as a physician with one of the world's great institutions of higher learning;

b. Affirmatively lied in written publications about Anderson "resigning" from UHS when he was fired, and then reinstated but demoted him, for assaults on male students;

c. Used the Athletic Department to hide Anderson's past, present, and future sexual abuse of young men from public disclosure by foisting Anderson on student-athletes who, as individuals who were trained to absorb physical and emotional distress without complaint, were pre-disposed not to disclose Anderson's sexual abuse out of fear of losing their scholarships and/or castigation from fellow teammates and the university community at large;

d. Ignored, refused, and failed to inquire, question, and investigate the complaints and take action regarding Anderson's genital manipulation and/or digital anal penetration; and

e. Did not create a policy to require adults, parents, chaperones, guardians, and/or caregivers be present during an examination of a minor or young athlete by a physician.

1202. Defendants knew, and Plaintiff was in fact, particularly susceptible to believing Defendants' representations because:

a. Plaintiff was a young, naïve man (in the case of some Plaintiffs,

minors) when Anderson abused him;

b. Defendants' representations were made within the context of a pervasive culture created by statements made by UM representatives, including coaches, trainers, directors, and other leaders of the Athletic Department, that Anderson's treatments were necessary and Anderson was a competent and ethical physician, to be trusted and never questioned;

c. Plaintiff had no prior experience with legitimate and appropriately performed treatments that involve extended genital and/or anal examinations, so it was impossible for Plaintiff to differentiate a legitimate and appropriately performed genital and/or anal examination from a sexual assault;

d. Plaintiff could not have possibly known because there were no parents, coaches, guardians, caregivers, and/or other medical professionals in the room during the genital and/or anal examinations to observe, question, and/or discover that his genital and/or anal examinations were sexual assaults and inform Plaintiff that he had been sexually assaulted and had a cause of action;

e. Based on Neuroscience, the prefrontal cortex of the brain, which is used to make decisions and distinguish right from wrong, is not fully formed until around the age of 25;

f. Based on Neuroscience, as the prefrontal cortex of the brain matures teenagers are able to make better judgments;

g. Plaintiff was intimidated by Anderson's notoriety and reputation and therefore believed his representations and followed the protocol of the Athletic Department to allow Anderson to solely treat Plaintiff;

h. Plaintiff relied on the Athletic Department and trusted Anderson due to his notoriety and reputation;

i. Plaintiff was compelled by Anderson to undergo improper genital manipulation and/or digital anal penetration like other

athletes and not question them if he wanted to stay on the team, maintain his scholarship, and/or remain at UM to earn his college degree;

j. Plaintiff had no reason to believe or be aware that he could possibly sue or had a possible cause of action because he was a young man (in the case of some Plaintiffs, minors), who was not knowledgeable or aware of the civil justice system and applicable remedies at law;

k. Plaintiff had no reason to believe or be aware that he could possibly sue or had a possible cause of action when he was not aware of any other students coming forward with allegations of abuse, particularly since Anderson and UM concealed any such allegations and since the culture of the Athletic Department normalized Anderson's treatments;

l. Plaintiff had never previously heard about any allegations in the media regarding sexual assaults or misconduct by Anderson; and

m. Plaintiff was never told by Anderson that his conduct was sexual in nature, unlike other victims of sexual abuse who are typically told by their perpetrators that their conduct is of a sexual nature and to conceal the sexual conduct from their parents and others.

1203. Accordingly, Plaintiff did not know, could not have reasonably known, and was reasonably unaware of a possible cause of action that he had against Anderson and/or Defendants until he read an article published on or about February 19, 2020, regarding a complaint filed with UM's Police Department by a student abused by Anderson, at which point Plaintiff became aware he was the victim of sexual assault and that Defendants indirectly or directly caused the abuse by being aware Anderson was a sexual predator and failing to stop him from harming students.

1204. In addition to affirmative false representations, UM coaches, officials,

agents, and representatives failed to disclose to Plaintiff that he was being sexually abused and that Anderson had a history of committing sexual assaults in the guise of medical treatment.

1205. Because UM had a fiduciary duty to Plaintiff, the failure to disclose material information is also fraudulent.

1206. At all times pertinent to this action, the sports medicine trainers, athletic trainers, employees, staff, managers, supervisors, coaches, and directors of Defendants were agents, apparent agents, servants, and employees of Defendants and operated within the scope of their employment and their Fraudulent Concealment is imputed to Defendants.

1207. Defendants' representations caused Plaintiff's injuries related to (1) the sexual assaults; (2) discovering Anderson's uncomfortable treatments were in fact sexual assault on or about February 19, 2020; and (3) discovering Plaintiff's beloved alma mater that he devoted his life to, in many respects, betrayed him by placing him in the care of a known sexual predator.

1208. Plaintiff incorporates, by reference, the paragraphs above and below regarding damages suffered by Plaintiff as a result of UM's responsibility for Anderson's sexual assaults, UM's awareness and responsibility for Anderson's fraudulent misrepresentations about the sexual assaults, and/or UM's fraudulent misrepresentations.

1209. Defendants committed Fraudulent Concealment, as described in detail above and below.

1210. For Plaintiffs who were initially minors when assaulted by Anderson, Michigan law also provides a statute of limitations safe harbor in M.C.L. § 600.5851b.

COUNT I:
VIOLATION OF TITLE IX, 20 U.S.C. § 1681(A), *ET SEQ*.[1]

1211. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

1212. Title IX's statutory language states, "No person in the United States shall on the basis of sex, be ... subject to discrimination under any education program or activity receiving Federal financial assistance ..."

1213. Plaintiffs are "person[s]" under the Title IX statutory language.

1214. UM receives federal financial assistance for its education program and is therefore subject to the provisions of Title IX (of the Education Act of 1972, 20 U.S.C. § 1681(a), *et seq*.

1215. UM is required under Title IX to investigate allegations of sexual

[1] Plaintiffs outline damages, which is needed for many of the following counts, in general allegations at the end of the counts section below, and those general damage allegations are incorporated by reference into all applicable counts to avoid excessive redundancy and for ease of reading by the Court, the parties, and the public.

assault, sexual abuse, and sexual harassment.

1216. The U.S. Department of Education's Office of Civil Rights has explained that Title IX covers all programs of a school, and extends to sexual harassment and assault by employees, students and third parties.

1217. Anderson's actions and conduct were carried out under one of UM programs, which provides medical treatment to students, athletes, and the public.

1218. Anderson's conduct and actions toward Plaintiffs, that being nonconsensual and unnecessary genital manipulation and digital anal penetration, constitutes sex discrimination under Title IX.

1219. As early as 1968, or earlier, an "appropriate person" at UM had actual knowledge of the sexual assault, abuse, and molestation of young men committed by Anderson.

1220. Specifically, Defendants were notified about Anderson's sexual abuse and molestation by young male students in or around 1968, 1975, 1979, and, on information and belief, on many other occasions before and after 1980.

1221. Defendants failed to carry out their duties to investigate and take corrective action under Title IX following the complaints of sexual assault, abuse, and molestation in or around 1968.

1222. After the 1968, 1975, and 1979 complaints, Anderson continued to sexually assault, abuse, and molest young male students, and later exclusively male

athletes, including but not limited to Plaintiffs.

1223. Defendants acted with deliberate indifference to known acts of sexual assault, abuse, and molestation on its premises by:

a. Failing to investigate and address other victim's allegations as required by Title IX;

b. Failing to adequately investigate and address the complaints regarding Anderson's conduct; and,

c. Failing to institute corrective measures to prevent Anderson from violating and sexually abusing other students and individuals, including minors.

1224. Defendants acted with deliberate indifference as their lack of response to the allegations of sexual assault, abuse, and molestation was clearly unreasonable in light of the known circumstances.

1225. Defendants' responses were clearly unreasonable as Anderson continued to sexually assault athletes and other individuals and Plaintiffs until he retired from UM in 2003.

1226. Between the dates of approximately 1968-2003, and perhaps earlier, Defendants acted in a deliberate, grossly negligent, and/or reckless manner when they failed to reasonably respond to Anderson's sexual assaults and sex-based harassment of young male students, and later young male student-athletes, on school premises.

1227. Defendants' failure to promptly and appropriately investigate, respond to, and remedy the sexual assaults after they received notice subjected Plaintiffs to further harassment and a sexually hostile environment, effectively denying their

access to educational opportunities at UM, including medical care.

COUNT II:
VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983 – STATE CREATED DANGER

1228. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

1229. The due process clause of the 14th Amendment provides that the state may not deprive a person of life, liberty or property without due process of law.

1230. Defendants deliberately exposed Plaintiffs to a dangerous sexual predator, Anderson, knowing Anderson could and would cause serious damage by sexually assaulting male students, especially male student-athletes, on campus.

1231. This conduct was culpable in the extreme.

1232. Plaintiffs were foreseeable and certain victims of Defendants' decision to make Anderson the exclusive primary care physician to the UM Athletic Department.

1233. Plaintiffs' sexual assault was foreseeable and direct.

1234. The decisions and actions to deprive Plaintiffs of a safe campus constituted affirmative acts that caused and/or increased the risk of harm, as well as physical and emotional injury, to Plaintiffs.

1235. Defendants acted in willful disregard for the safety of Plaintiffs.

1236. Defendants have a fiduciary duty to protect students, like Plaintiffs,

from harm; and Defendants breached that duty by allowing Plaintiffs' sexual assault by placing student-athletes in the care of a known sexual predator.

1237. Defendants created the opportunity for Anderson to sexually assault Plaintiffs, an opportunity that he would not otherwise have had but for Defendants giving Anderson the job as Athletic Department physician when it was known to Defendants that he was a sexual predator.

1238. At all relevant times, Defendants and Anderson (as Defendants' agent) were acting under color of law, to wit, under color of statutes, ordinances, regulations, policies, customs, and usages of the State of Michigan and/or Defendants.

COUNT III:
VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983 – RIGHT TO BODILY INTEGRITY

1239. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

1240. The due process clause of the 14th Amendment includes an implied right to bodily integrity.

1241. Plaintiffs enjoy the constitutionally protected Due Process right to be free from the invasion of bodily integrity through sexual assault, abuse, or molestation.

1242. At all relevant times, UM, UM Regents, and Anderson were acting under color of law, to wit, under color of statutes, ordinances, regulations, policies,

customs, and usages of the State of Michigan and/or Defendants.

1243. The acts as alleged above amount to a violation of these clearly established constitutionally protected rights, of which reasonable persons in Defendants' positions should have known.

1244. As a matter of custom, policy, and and/or practice, Defendants had and have the ultimate responsibility and authority to investigate complaints against their employees, agents, and representatives from all individuals including, but not limited to students, visitors, faculty, staff, or other employees, agents, and/or representatives, and failed to do so with deliberate indifference.

1245. Defendants had a duty to prevent sexual assault, abuse, and molestation on their campus and premises, that duty arising under the above-referenced constitutional rights, as well as established rights pursuant to Title IX.

1246. Defendants' failure to address these patients' complaints led to an unknown number of individuals (aside from Plaintiffs) being victimized, sexually assaulted, abused, and molested by Anderson.

1247. Additionally, Defendants' failure to properly address the 1968, 1975, 1979, and other complaints regarding Anderson's sexually assaultive conduct also led to others being victimized, sexually assaulted, abused and molested by Anderson. Indeed, all that UM needed to do was fire Anderson in 1979.

1248. Ultimately, Defendants failed to adequately and properly investigate

the complaints of Plaintiffs or other similarly situated individuals including but not limited to failing to:

a. Not foist Anderson on the population of scholarship male athletes, who were accustomed to physical and emotional discomfort, and because they needed the scholarships, would be less likely to complain about Anderson's conduct;

b. Perform a thorough investigation into improper conduct by Anderson after receiving complaints; and

c. Thoroughly review and investigate all policies, practices, procedures and training materials related to the circumstances surrounding the conduct of Anderson.

1249. By failing to prevent the aforementioned sexual assault, abuse, and molestation upon Plaintiffs, and by failing to appropriately respond to reports of Anderson's sexual assault, abuse, and molestation in a manner that was so clearly unreasonable it amounted to deliberate indifference, Defendants are liable to Plaintiffs pursuant to 42 U.S.C. § 1983.

1250. Defendants are also liable to Plaintiffs under 42 U.S.C. § 1983 for maintaining customs, policies, and practices which deprived Plaintiffs of rights secured by the Fourteenth Amendment to the United States Constitution in violation of 42 U.S.C. § 1983.

1251. Defendants tolerated, authorized and/or permitted a custom, policy, practice or procedure of insufficient supervision and failed to adequately screen, counsel, or discipline Anderson, with the result that Anderson was allowed to violate the rights of persons such as Plaintiffs with impunity.

COUNT IV:
FAILURE TO TRAIN AND SUPERVISE UNDER 42 U.S.C. § 1983

1252. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

1253. Defendants have the ultimate responsibility and authority to train and supervise their employees, agents, and/or representatives including Anderson and all faculty and staff regarding their duties toward students, faculty, staff and visitors.

1254. Defendants failed to train and supervise their employees, agents, and/or representatives including all faculty and staff, regarding the following duties:

a. Perceive, report, and stop inappropriate sexual conduct on campus;

b. Provide diligent supervision over student-athletes and other individuals, including Anderson;

c. Report suspected incidents of sexual abuse or sexual assault;

d. Ensure the safety of all students, faculty, staff, and visitors to UM's campuses premises;

e. Provide a safe environment for all students, faculty, staff, and visitors to UM's premises free from sexual harassment; and,

f. Properly train faculty and staff to be aware of their individual responsibility for creating and maintaining a safe environment.

g. The above list of duties is not exhaustive.

1255. Defendants failed to adequately train coaches, trainers, medical staff, and others regarding the aforementioned duties which led to violations of Plaintiffs' rights.

1256. Defendants' failure to adequately train was the result of Defendants' deliberate indifference toward the well-being of student-athletes.

1257. Defendants' failure to adequately train is closely related to or actually caused Plaintiffs' injuries.

1258. As a result, Defendants deprived Plaintiffs of rights secured by the Fourteenth Amendment to the United States Constitution in violation of 42 U.S.C. § 1983.

COUNT V:
VIOLATION OF THE ELLIOTT-LARSEN ACT, M.C.L. § 37.2101 *ET SEQ*.
(SEX DISCRIMINATION)[2]

1259. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

1260. UM is a place of public accommodation, a public service, and an educational institution as defined in Michigan's Elliott-Larsen Civil Rights Act, M.C.L. § 37.2101 *et seq.* (ELCRA).

1261. Anderson was a "person" as that term is defined in ELCRA and was an agent of UM.

1262. Plaintiffs' sex was at least one substantial factor motivating Anderson

[2] In some – but not all – of the consolidated cases, the assigned Judges issued Orders dismissing without prejudice Plaintiffs' Claims V-XVIII. Since those claims are still a part of most of the pending cases, Plaintiffs restate them in this Master Long-Form Complaint.

to select Plaintiffs as victims of his sexual assault.

1263. Had Plaintiffs been female, they would not have been targeted as a victim by Anderson.

1264. By giving Anderson access to Plaintiffs, as their treating physician on UM's campus, Defendants, through agents, representatives, and employees, including Anderson were predisposed to discriminate based on Plaintiffs' sex and acted in accordance with that predisposition.

1265. By giving Anderson access to Plaintiffs, as their treating physician on UM's campus, Defendants, through agents, representatives, and employees, including Anderson, treated Plaintiffs differently from similarly situated female students who UM did not give Anderson access to in the same way as it freely gave Anderson access to Plaintiffs and hundreds of other male students, based on unlawful consideration of sex.

1266. Defendants violated ELCRA and deprived Plaintiffs of their civil rights by, among other things, subjecting Plaintiffs, because of their sex, to conduct of a physical and sexual nature that had the purpose or effect of denying Plaintiffs the full benefit of the educational program of UM and full and equal access to the use and privileges of public accommodations, public service, and educational opportunity.

COUNT VI:
VIOLATION OF ARTICLE 1, § 17 SUBSTANTIVE DUE PROCESS – BODILY INTEGRITY

1267. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

1268. The Due Process Clause of the Michigan Constitution provides, in pertinent part, that "[n]o person shall . . . be deprived of life, liberty or property, without due process of law. . . ." Mich. Const., art. 1, § 17.

1269. The due process guarantee of the Michigan Constitution is coextensive with its federal counterpart. The doctrine of substantive due process protects unenumerated fundamental rights and liberties under the Due Process Clause of the Fourteenth Amendment and Mich. Const., art. 1, § 17.

1270. The substantive component of due process encompasses, among other things, an individual's right to bodily integrity free from unjustifiable government interference.

1271. In a long line of cases, courts have held that, in addition to the specific freedoms protected by the Bill of Rights, the "liberty" specially protected by the Due Process Clause includes the right to bodily integrity.

1272. The right to be free of state-occasioned damage to a person's bodily integrity is protected by the fourteenth amendment guarantee of due process and Mich. Const., art. 1, § 17.

1273. The violation of the right to bodily integrity involves an egregious, nonconsensual entry into the body which was an exercise of power without any

legitimate governmental objective.

1274. The United States Supreme Court and the Michigan appellate courts have recognized that no right is held more sacred, or is more carefully guarded, than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law.

1275. The violation of the right to bodily integrity must be so egregious, so outrageous, that it may fairly be said to shock the contemporary conscience.

1276. Defendants' official policies, customs and practices violated include:

a. Failing to supervise, train and educate Anderson, Anderson's managers and/or Anderson's patients or their parents so that in the absence of this supervision, training and education Anderson's unlawful activities could be carried out;

b. Actively concealing Anderson's abhorrent behavior; and

c. Purposefully placing Anderson in the position as Athletic Department physician, despite knowing he sexually preyed on male students under the guise of medical treatment, further enabling Anderson to have unfettered sexual access to more students.

1277. Defendants' policies, customs and practices of permitting, condoning and reassigning Anderson, which enabled him to gain unfettered sexual access to students, exposed students to unspeakable invasions of their bodily integrity which were so egregious and outrageous that it shocks the conscience.

1278. The decisions which resulted in Defendants' violating Plaintiffs'

constitutional rights as alleged in this Complaint were made by high level officials of Defendants.

COUNT VII:
VIOLATION OF ARTICLE 1, § 17 SUBSTANTIVE DUE PROCESS – STATE CREATED DANGER

1279. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

1280. Plaintiffs enjoy a substantive due process right under the Michigan Constitution to avoid the risk of harm or danger created or increased by an affirmative act of the state.

1281. This right is violated when the state (1) engaged in an affirmative act which either created or increased the risk that a plaintiff would be exposed to an act of violence by a third party; (2) placed a plaintiff in a special danger, as distinguished from a risk that affects the public at large; and, (3) knew or should have known that its actions specifically endangered Plaintiffs.

1282. The state's (UM's) affirmative acts consisted of (1) permitting, condoning and reassigning Anderson so that he could have sexual access to male student-athletes under the guise of medical treatment and then (2) concealing its knowledge that Anderson, by virtue of state policy, practice or custom was permitted to carry out his unlawful and abhorrent behavior.

1283. These affirmative acts created or increased the risk that Plaintiffs would

be exposed to an act of violence or sexual assault by Anderson.

1284. Defendants' conduct created a special danger to Plaintiffs and others like them because the state's (UM's) actions specifically put this discrete group – male athletes, most of whom cannot complain about "medical treatment" without risking their scholarships, their participation on the athletic team, and/or their college education – at increased risk in that the state knew that Anderson was taking advantage of the sacred patient-physician relationship in order to carry out his violence against Plaintiffs and other members of the same discrete group.

1285. Defendants knew or should have known that its affirmative acts specifically endangered Plaintiffs.

1286. Defendants established official policies, customs and practices, which permitted, condoned and actually promoted Anderson's access to male athlete victims so that he could both excessively grope and manipulate their genitals and/or digitally penetrate their anuses, while they sought medical treatment from him.

1287. The decisions resulting in Defendants' violation of Plaintiffs' constitutional rights as alleged in this Complaint were made by high level officials of Defendants.

1288. Defendants' official policies, customs and practices violated Plaintiffs' rights, and included, among other things, each of the below acts, which each independently violated Plaintiffs' rights:

a. Failing to supervise, train and educate Anderson, Anderson's managers or Anderson's patients or their parents (in the case of victims who were minors at the time of the assaults) so that in the absence of this supervision, training and education Anderson's unlawful activities could be carried out;

b. Actively concealing Anderson's abhorrent behavior;

c. Purposefully placing Anderson in the position as Athletic Department physician, despite knowing he sexually preyed on students under the guise of medical treatment, further enabling Anderson to have unfettered sexual access to more students; and

d. Not terminating Anderson when it became known he was a sexual predator.

1289. Defendants' policies, customs and practices of permitting, condoning and reassigning Anderson, which enabled him to gain unfettered sexual access to students, exposed them to unspeakable invasions of their bodily integrity which were so egregious and outrageous that it shocks the conscience.

COUNT VIII:
GROSS NEGLIGENCE

1290. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

1291. Defendants owed Plaintiffs a duty to use due care to ensure their safety and freedom from sexual assault, abuse, and molestation while interacting with their employees, representatives, and/or agents, including Anderson.

1292. Anderson owed Plaintiffs a duty of due care in carrying out medical treatment as an employee, agent, and/or representative of Defendants.

1293. By seeking medical treatment from Anderson during his employment, agency, and/or representation of Defendants, a special, confidential, and fiduciary relationship between Plaintiffs and Anderson was created, resulting in Anderson owing Plaintiffs a duty to use due care.

1294. Defendants' failure to adequately supervise Anderson, especially after UM knew or should have known of complaints regarding his nonconsensual sexual touching and sexual penetrations during genital and anal examinations, was so reckless as to demonstrate a substantial lack of concern for whether an injury would result to Plaintiffs.

1295. Anderson's conduct in sexually assaulting, abusing, and molesting Plaintiffs in the course of his employment, agency, and/or representation of Defendants and under the guise of rendering medical treatment was so reckless as to demonstrate a substantial lack of concern for whether an injury would result to Plaintiffs.

1296. Defendants' conduct demonstrated a willful disregard for precautions to ensure Plaintiffs' safety.

1297. Defendants' conduct as described above, demonstrated a willful disregard for substantial risks to Plaintiffs.

1298. Defendants breached duties owed to Plaintiffs and were grossly negligent when they conducted themselves by the actions described above, said acts

having been committed with reckless disregard for Plaintiffs' health, safety, Constitutional and/or statutory rights, and with a substantial lack of concern as to whether an injury would result.

COUNT IX:
NEGLIGENCE

1299. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

1300. Defendants owed Plaintiffs a duty of ordinary care to ensure their safety and freedom from sexual assault, abuse, and molestation while interacting with their employees, representatives and/or agents.

1301. By seeking medical treatment from Anderson in his capacity as an employee, agent, and/or representative of Defendants, a special, confidential, and fiduciary relationship between Plaintiffs and Anderson was created, resulting in Anderson owing Plaintiffs a duty to use ordinary care.

1302. Anderson owed Plaintiffs a duty of ordinary care.

1303. Defendants' failure to adequately train and supervise Anderson breached the duty of ordinary care.

1304. Defendants had notice through its own employees, agents, and/or representatives as early as 1968, and again in 1975 and 1979, of complaints of a sexual nature related to Anderson's predatory and criminal sexual genital and anal examinations of young male students.

1305. Defendants should have known of the foreseeability of Defendants' sexual abuse of male UM athletes from 1968 onward.

1306. Defendants' failure to properly investigate, address, and remedy complaints regarding Anderson's conduct was a breach of ordinary care.

1307. Anderson's conduct in sexually assaulting, abusing, and molesting Plaintiffs during his employment, agency, and/or representation of Defendants was a breach of the duty to use ordinary care.

COUNT X:
VICARIOUS LIABILITY

1308. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

1309. Vicarious liability is indirect responsibility imposed by operation of law where an employer is bound to keep its employees within their proper bounds and is responsible if it fails to do so.

1310. Vicarious liability essentially creates agency between the principal and its agent, so that the principal is held to have done what the agent has done.

1311. Defendants employed and/or held Anderson out to be their agent and/or representative from approximately 1966-2003.

1312. Defendants had the right to supervise Anderson's medical exams, and indeed had a duty to supervise Anderson.

1313. Defendants had an obvious and direct financial interest in allowing

Anderson to continue rendering medical care for the Athletic Department as Defendants financially gain from the operations of its Athletic Department.

1314. Defendants are vicariously liable for the actions of Anderson as described above that were performed during his employment, representation, and/or agency with Defendants and while he had unfettered access to young athletes on UM's campus.

COUNT XI:
EXPRESS/IMPLIED AGENCY

1315. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

1316. An agent is a person who is authorized by another to act on its behalf.

1317. Defendants intentionally or negligently made representations that Anderson was their employee, agent, and/or representative.

1318. Based on those representations, Plaintiffs reasonably believed that Anderson was acting as an employee, agent, and/or representative of Defendants.

1319. Defendants did have the right to control the conduct of Anderson.

1320. Anderson had the right and authority to represent or bind Defendants.

1321. Plaintiffs were injured as a result of Anderson's predatory sexual assault, abuse, and molestation as described above, acts that were performed during the course of his employment, agency, and/or representation with Defendants and while he had unfettered access to young male athletes.

1322. Plaintiffs were injured because they relied on Defendants to provide employees, agents, and or representatives who would exercise reasonable skill and care.

COUNT XII:
NEGLIGENT SUPERVISION

1323. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

1324. Defendants had a duty to provide reasonable supervision of their employee, agent and/or representative, Anderson, during employment, agency or representation with Defendants and while he interacted with young athletes including Plaintiffs.

1325. It was reasonably foreseeable given UM's knowledge that Anderson was a sexual predator of young college male students at the time UM first fired, then reinstated, and then demoted Anderson in 1980.[3]

1326. Defendants by and through their employees, agents, managers and/or assigns, knew or reasonably should have known of Anderson's conduct and/or that Anderson was an unfit employee, agent, and/or representative because of his sexual interest in male students.

1327. Defendants breached their duty to provide reasonable supervision of

[3] The firing occurred in 1979 but was intended to be effective in 1980.

Anderson, and permitted Anderson, who was in a position of trust and authority, to commit the acts against Plaintiffs.

1328. The sexual abuse occurred while Plaintiffs and Anderson were on the premises of UM, and while Anderson was acting in the course of his employment, agency, and/or representation of Defendants.

1329. Defendants tolerated, authorized and/or permitted a custom, policy, practice or procedure of insufficient supervision and failed to adequately screen, counsel, or discipline such individuals, with the result that Anderson was allowed to violate the rights of persons such as Plaintiffs with impunity.

COUNT XIII:
NEGLIGENT FAILURE TO WARN OR PROTECT

1330. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

1331. Defendants knew or should have known that Anderson posed a risk of harm to Plaintiffs or those in Plaintiffs' situation.

1332. As early as 1968, Defendants had direct and/or constructive knowledge as to the dangerous conduct of Anderson and failed to act reasonably and responsibly in response.

1333. Defendants knew or should have known Anderson committed sexual assault, abuse, and molestation and/or was continuing to engage in such conduct.

1334. Defendants had a duty to warn or protect Plaintiffs and others in

Plaintiffs' situation against the risk of injury by Anderson.

1335. The duty to disclose this information arose by the special, trusting, confidential, and fiduciary relationship between Anderson as an employee, agent, and or representative of Defendants and Plaintiffs.

1336. Defendants breached said duty by failing to warn Plaintiffs and/or by failing to take reasonable steps to protect Plaintiffs from Anderson.

1337. In addition to affirmatively requiring Plaintiffs to be treated, and thus subject to inappropriate genital manipulation and/or digital anal penetration, where UM was aware of Anderson's prior sexual assaults, Defendants breached its duties to protect Plaintiffs by failing to:

a. Respond to allegations of sexual assault, abuse, and molestation;

b. Act on evidence of sexual assault, abuse, and molestation; and,

c. Investigate, adjudicate, and terminate Anderson's employment with UM prior to his treatment of Plaintiffs.

1338. Defendants failed to adequately screen, counsel and/or discipline Anderson for physical and/or mental conditions that might have rendered him unfit to discharge the duties and responsibilities of a physician at an educational institution, resulting in violations of Plaintiffs' rights.

1339. Defendants willfully refused to notify, give adequate warning, and implement appropriate safeguards to protect Plaintiffs from Anderson's conduct.

COUNT XIV:
NEGLIGENT FAILURE TO TRAIN OR EDUCATE

1340. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

1341. Defendants breached their duty to take reasonable protective measures to protect Plaintiffs and other young men and minors from the risk of sexual assault by Anderson, such as the failure to properly train or educate Plaintiffs and other young men and minors about how to avoid such a risk.

1342. Defendants failed to, among other things, implement reasonable safeguards to:

a. Prevent acts of sexual assault;

b. Avoid placing Anderson in positions where he would be in unsupervised contact and interaction with Plaintiffs and other young athletes;

c. Educate athletes such as Plaintiffs on reporting and/or preventing unwanted touching and penetrations from authority figures, especially given UM's knowledge it was putting a predator such as Anderson in contact with young male athletes; and

d. Training or educating coaches and trainers to be aware of improper touching, especially given UM's knowledge it was putting a predator such as Anderson in contact with young male athletes.

COUNT XV:
NEGLIGENT RETENTION

1343. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

1344. Defendants had a duty when credentialing, hiring, retaining, screening, checking, regulating, monitoring, and supervising employees, agents and/or representatives to exercise due care, but they failed to do so.

1345. Defendants were negligent in the retention of Anderson as an employee, agent, and/or representative in their failure to adequately investigate, report and address complaints about his conduct of which they knew or should have known.

1346. If Defendants had not retained Anderson, and instead fired him, Plaintiffs' injuries would not have occurred.

1347. Defendants were negligent in the retention of Anderson as an employee, agent, and/or representative when after they discovered, or reasonably should have discovered, Anderson's conduct which reflected a propensity for sexual misconduct.

1348. Defendants' failure to act in accordance with the standard of care resulted in Anderson gaining access to and sexually abusing and/or sexually assaulting Plaintiffs and an unknown number of other individuals.

1349. The negligence in the credentialing, hiring, retaining, screening, checking, regulating, monitoring, and supervising of Anderson created a foreseeable risk of harm to Plaintiffs as well as other young men.

COUNT XVI:
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

1350. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

1351. Defendants allowed Anderson to be in a position where he could sexually assault, abuse, and molest minors and young men. Defendants' actions were extreme and outrageous.

1352. A reasonable person would not expect Defendants to tolerate or permit their employee or agent to carry out sexual assault, abuse, or molestation after they knew of complaints and claims of sexual assault and abuse occurring during Anderson's genital manipulations and/or digital anal penetrations.

1353. Defendants held Anderson in high esteem and acclaim which in turn encouraged Plaintiffs and others to respect and trust Anderson and to not question his methods or motives.

1354. A reasonable person would not expect Defendants to be incapable of supervising Anderson and/or preventing Anderson from committing acts of sexual assault, abuse, and molestation.

1355. Defendants' intentional and/or reckless conduct as described above caused Plaintiffs severe emotional distress.

COUNT XVII:
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

1356. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

1357. By allowing Anderson to be in a position where he could sexually assault, abuse, and molest minors and young men, Defendants were negligent.

1358. Defendants' negligence proximately caused Plaintiffs to be sexually assaulted by Anderson.

1359. Plaintiffs have suffered severe damages related to the sexual assault as well as from discovering they were victims of sexual assault caused by the actions of their beloved alma mater.

1360. Events caused by Defendants, Anderson's sexual assault of Plaintiffs, naturally and probably resulted in emotional distress.

1361. Events caused by Defendants, Anderson's sexual assault of Plaintiffs, did in fact result in emotional distress.

COUNT XVIII:
FRAUD AND MISREPRESENTATION

1362. Plaintiffs reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

1363. From approximately 1966-2003, Defendants represented to Plaintiffs and the public that Anderson was a competent and safe physician.

1364. By representing that Anderson was a team physician and athletic physician at UM, Defendants represented to Plaintiffs and the public that Anderson was safe, trustworthy, of high moral and ethical repute, and that Plaintiffs and the public need not worry about being harmed by Anderson.

1365. The representations were false when they were made as Anderson had and was continuing to sexually assault, abuse, and molest Plaintiffs and an unknown

number of other individuals.

1366. Between 1968 and 1979, and perhaps earlier, Defendants received numerous complaints about Anderson's sexual assaults of male patients in the guise of genital and anal examinations, yet misrepresented his moving from UHS to the Athletic Department as a "resignation" in oral and written representations to the UM community and public at large, when they knew Anderson was first fired, then reinstated with a demotion, as a result of his sexually predatory conduct toward college age males like Plaintiffs.

1367. Although UM was informed of Anderson's conduct they failed to investigate, remedy, or in any way address the patients' complaints.

1368. Defendants continued to hold Anderson out as a competent and safe physician.

1369. Defendants made such misrepresentations intending Plaintiffs and others similarly situated to rely on them.

1370. Plaintiffs relied on the assertions of Defendants and continued to seek treatment from Anderson in the wake of concerns and dangers known only to Defendants.

1371. Plaintiffs were subjected to sexual assault, abuse, and molestation as a result of Defendants' fraudulent misrepresentations regarding Anderson.

VII. PLAINTIFFS' DAMAGES

1372. Plaintiffs first learned Anderson was a serial sexual predator on or around February 19, 2020, when the news broke that several former students had come forward with stories of sexual abuse at the hands of Anderson under the guise of medical treatment while students at UM.

1373. Plaintiffs' damages arise from two distinct and exclusive harms: (1) the revelation that Anderson's odd or weird acts, were not in fact, innocent odd or weird, but rather criminal sexual conduct motivated by Anderson's illegal sexual intent, and so Plaintiffs were sexual assault victims; and (2) the revelation that UM – an integral part of Plaintiffs' lives and identities – foisted a sexual predator on Plaintiffs in the guise of a competent and concerned medical physician.

1374. Since this revelation, Plaintiffs have been suffering shame, shock, humiliation, emotional distress and related physical manifestations thereof, embarrassment, loss of self-esteem, and disgrace.

1375. The news about Anderson has disturbed Plaintiffs' innate sense of self-worth and self-identity, leading to anxiety and depression.

1376. Plaintiffs have also suffered deeply, emotionally and psychologically, in ways that have manifested physically, from discovering on February 19, 2020 that their beloved alma mater knew about Anderson's sexual assaults for decades and did nothing to stop him.

1377. Aside from these understandable injuries, other harms include: (a) feeling betrayed because they were not protected by UM, coaches and trainers; (b) feeling betrayed because UM forced Anderson on them and their unsuspecting teammates knowing Anderson was a predator; (c) worries and anxiety that friends and family may find out that Plaintiffs were victims; (d) anxiety about future interactions with UM; and (e) extreme anxiety about how these harms will manifest themselves in Plaintiffs' middle age and/or senior years.

1378. The revelation – that despite knowing of Anderson's misconduct, UM knowingly kept Anderson in positions where he had direct and intimate access to prey upon college students and athletes, such as Plaintiffs, from 1966 to 2003 – has been traumatic and emotionally and psychologically damaging, forcing Plaintiffs to relive the trauma of what they now know was sexual assault.

1379. It has shattered Plaintiffs psychologically and emotionally to learn the university they spent their lives being devoted to betrayed them and so many others by placing a sexual predator on staff where he had direct and unlimited access to young college students.

1380. As a direct and/or proximate result of Defendants' conduct, Plaintiffs suffered and suffer discomfort, pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, and such other injuries and physical

manifestations as may appear during the course of discovery and trial in this matter.

1381. These irreparable harms Plaintiffs suffer, and will continue suffering, are proven damages typically suffered by young men when sexually assaulted by another man who is a trusted person and/or medical provider.

1382. Symptoms of male sexual abuse on male adults can last for decades and affect their lives in many ways from causing sexual dysfunction and the inability to engage in close relationships with others to confusion about sexual identity, embarrassment and depression. See *Male Victims of Male Sexual Assault: A Review of Psychological Consequences and Treatment* (Sexual and Relationship Therapy, August 2001); *Effects of Sexual Assaults on Men: Physical, Mental and Sexual Consequences* (International Journal of Men's Health, Vol. 6, No. 1, Spring 2007, pp. 22-35).

1383. Psychological damage from sexual abuse is especially harmful when the perpetrator is known and trusted by the victim. See *Integration of Sexual Trauma in a Religious Narrative: Transformation, Resolution and Growth among Contemplative Nuns* (Transcult Psychiatry, Feb 2013 – 50 (1): 21-46); *Victim Impact: How Victims are Affected by Sexual Assault and How Law Enforcement Can Respond* (EVAW's OnLine Training Institute, May 2019, p. 34).

1384. When sexual abuse is perpetrated by a medical provider, patients often lack the ability to comprehend the abuse due to the provider's position of access, trust

and authority and commonly suffer from emotional distress, humiliation, and the inability to trust medical care providers or the medical care professional generally. See *Above All, Do No Harm: Abuse of Power by Health Care Professionals*, by Kathleen S. Lundgren, Wanda S. Needleman, Janet W. Wohlberg (2004), available at https://www.therapyabuse.org/p2-abuse-of-power.htm.

1385. In whole or in part, as a result of some or all of the above actions and/or inactions of Defendants, Plaintiffs suffered and continue to suffer irreparable harm.

WHEREFORE, Plaintiffs request this Court and the finder of fact to enter a Judgment in Plaintiffs' favor against Defendants on all counts and claims above in an amount consistent with the proofs of trial, and seek an award against Defendants for all appropriate damages arising out of law, equity, and fact for each or all of the above counts where applicable, including but not limited to:

a. Compensatory damages in an amount to be determined as fair and just under the circumstances, by the trier of fact including, but not limited to medical expenses, loss of earnings, mental anguish, anxiety, humiliation, and embarrassment, violation of Plaintiffs' Constitutional, Federal, and State rights, loss of social pleasure and enjoyment, and other damages to be proved;

b. Punitive and/or exemplary damages in an amount to be determined as reasonable or just the trier of fact;

c. Reasonable attorney fees, interest, and costs; and,

d. Other declaratory, equitable, and/or injunctive relief, including, but not limited to implementation of institutional reform and measures of accountability to ensure the safety and protection of young athletes and other individuals, as appears to be reasonable and just.

Respectfully submitted,

The Mike Cox Law Firm, PLLC

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Respectfully submitted,

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JURY DEMAND

Plaintiffs, by and through their attorneys, Michael A. Cox, Jackie Cook and The Mike Cox Law Firm, PLLC, as well as David J. Shea and Shea Law Firm PLLC, hereby demand SEPARATE TRIALS BY JURY on all claims set forth above.

Respectfully submitted,

The Mike Cox Law Firm, PLLC

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EXHIBIT 2

UM - UNIVERSITY OF MICHIGAN
Case Report

DIVISION OF PUBLIC SAFETY & SECURITY
UNIVERSITY OF MICHIGAN

Case No. 1890303861
Case Status Not a Crime/Other Service
Report Date/Time: 10/3/2018 11:26:04 AM
Reporting Officer: West, Mark

FILE CLASS/OFFENSE:
11003 - CSC First (1st) Degree -Penetration Oral/Anal
11007 - CSC Second (2nd) Degree - Forcible Contact

NATURE OF INCIDENT:
CSC/Anderson/DeLuca/West

OCCURRED ON: 7/18/2018 12:00:00 AM
(and Between)

VENUE: 1239 KIPKE DR ANN ARBOR, MI CAMPUS SAFETY SERVICES BUILDING
CITY/TOWNSHIP: 82 - U of M Ann Arbor, Washtenaw

VICTIM [redacted]
U of M Affiliated: N - No
Affiliation Type:
UM ID:
Campus Address:
Alcohol/Drugs: N - No
Affiliation Notes:
RACE: White
HGT:
EYES:
SSN:
DOB: [redacted]
SEX: Male
WGT:
ETH: O - Other Ethnicity/National Origin
DLN:
AGE [redacted]
JUV: N - No
HAIR:
Circumstances:
DL State:
ADDRESS INFORMATION:
H [redacted]
Phone Information:
M [redacted]
Emails: [redacted]
NOTES: University of Michigan Alumni

VICTIM OF: 1173 - 11003 - CSC First (1st) Degree -Penetration Oral/Anal
VICTIM TYPE: Individual

VICTI [redacted]
U of M Affiliated: N - No
Affiliation Type:
UM ID:
Campus Address:
Alcohol/Drugs: N - No
Affiliation Notes:
RACE: Unknown
HGT:
EYES:
SSN:
DOB [redacted]
SEX: Male
WGT:
ETH:
DLN:
AGE [redacted]
JUV: N - No
HAIR:
Circumstances:
DL State:
ADDRESS INFORMATION:
H - Hom [redacted]
Phone Information:
M [redacted]
Emails:
NOTES: University of Michigan Alumni

VICTIM OF: 1177 - 11007 - CSC Second (2nd) Degree - Forcible Contact
VICTIM TYPE: Individual

VICTIM: [redacted]
U of M Affiliated: N - No
Affiliation Type:
UM ID:
Campus Address:
Alcohol/Drugs: Y - Yes
Affiliation Notes:
RACE: White
DOI [redacted]
SEX: Male
AGE [redacted]
JUV: N - No

VICTIM OF: 1173 - 11003 - CSC First (1st) Degree -Penetration Oral/Anal
VICTIM TYPE: Individual

UM - UNIVERSITY OF MICHIGAN
Case Report

Case No. 1890303861
Report Date/Time: 10/3/2018 11:26:04 AM
Reporting Officer: West, Mark

HGT: WGT: HAIR:
EYES: ETH: Circumstances:
SSN: DLN: DL State:
ADDRESS INFORMATION:
H - Hom[redacted]
Phone Information: Emails:
M - Mob[redacted]
NOTES: University of Michigan Alumni

SUSPECT: Anderson, Robert Edward
U of M Affiliated: Y - Yes
Affiliation Type: Staff
UM ID[redacted]
Campus Address:
Alcohol/Drugs: N - No
Affiliation Notes: Retired Physician
DOB[redacted] AGE: 90
RACE: White SEX: Male JUV: N - No
HGT: WGT: HAIR:
EYES: ETH: U - Unknown Circumstances:
SMT:
SSN: DLN: DL State:
ADDRESS INFORMATION:
H - Home[redacted]
Phone Information: Emails:
NOTES: Deceased (11/27/2008)

OTHER[redacted] ENTITY TYPE: Other Person
U of M Affiliated: N - No
Affiliation Type:
UM ID:
Campus Address:
Alcohol/Drugs: N - No
Affiliation Notes:
DOB: AGE:
RACE: SEX: JUV:
HGT: WGT: HAIR:
EYES: ETH: Complexion:
Facial Hair: Attire:
SSN: POB: Resident:
DL Number: DL State: DL Country:
Employer/School: Employer Address:
Occupation/Grade:
ADDRESS INFORMATION:
H - Hom[redacted]
Phone Information: Emails:
M - Mob[redacted]
NOTES: Former University of Wisconsin Athletic Physician.

UM - UNIVERSITY OF MICHIGAN
Case Report

Case No. 1890303861
Report Date/Time: 10/3/2018 11:26:04 AM
Reporting Officer: West, Mark

NARRATIVE:
UM-0178 - West, Mark
10/3/2018 12:00:00 AM
NATURE:
Suspicious Circumstances.

LOCATION:
The incident(s) occurred at an unknown University of Michigan Campus location during the years of 1972-1976.

REPORT RECEIVED:
University of Michigan Police Department Criminal Investigations Unit Supervisor Lt. Paul DeRidder made contact with Detective Mike Mathews and I on October 3, 2018. DeRidder advised that he had been given information from the University of Michigan Office of Institutional Equity (O.I.E) of a "Campus Security Authority" (CSA) report. The report was started after information was received from alumni [redacted] had concerns about medical procedures that he experienced as a student athlete back in the years of 1972-1976. I then made contact with Pam Heatlie at O.I.E to obtain more information.

INFORMATION FROM PAM HEATLIE:
Heatlie relayed that current University of Michigan Athletic Director Warde Manual had received a letter in the mail fro[redacted] on July 18th. Manual then forwarded this letter to representatives at the University of Michigan General Counsels office, who forwarded the letter to O.I.E., where it was assigned to Heatlie.
Pam Heatlie said that it has been in her work pile since then. Heatlie said that she had contacted [redacted] who told her that he would be in Ann Arbor for an appointment, and would come and talk to her. Heatlie relayed what he had told her.
Heatlie said that she met wi[redacted] who advised that he was a student athlete (wrestler) during the 1972-1976 time span and wrestled for coach Bill Johannesen. Athletic Director Don Canham was in charge of athletics at that time. [redacted] old Heatlie that he had concerns about medical examinations at that time, that were performed by University of Michigan Athletics Doctor Robert Anderson. [redacted] old Heatlie that he was called Dr. "Drop your drawers" Anderson during his time at Michigan because every time you saw him you would have to "Drop your drawers". Heatlie relayed that a complaint from [redacted] was that no matter what you saw Dr. Anderson for, you would get a hernia check, a prostate check, and a penis examination.
Heatlie told me th[redacted] nded up losing his scholarship, and later hired a lawyer [redacted] who helped him get his scholarship back, even though he was not allowed back on the wrestling team. Heatlie said that in the meeting w[redacted] e mentioned that fellow athletes [redacted] all shared with him similar stories of appointments with Dr. Anderson. Heatlie then turned over a 10 page letter th[redacted] wrote to his wrestling coach at that time, as well as correspondence from the athletic director (Canham) and Coach (Johannesen) to him during the scholarship situation.
I requested that Pam Heatlie stop any investigation that she may be conducting until my investigation was completed.

LETTER TO COACH JOHANNESEN:
The letter to coach Johannesen fro[redacted] ppeared to be from the time he was a student athlete at the University of Michigan, particularly around the time that he lost his scholarship. The letter appeared to be to explain to the coach his displeasure with the wrestling team and his medical problems (dislocated elbow). The letter is hand written, 10 pages long, and is a photo copy of the original. It is hard to read at some portions due to these reasons.
At one portion of the paper, Written in the 1970's [redacted] rites "Dr. Drop your pants Anderson says that there is nothing wrong with me". He later writes "Something was wrong with Dr. Anderson, regardless of what you are there for, he insists that you "drop your drawers and cough". I did not locate any additional mentions of Dr. Anderson in the letters.

DR. ROBERT ANDERSON:
Dr. Anderson was a team physician with the Athletic Department at the University of Michigan from 1967 to 1988. He was also a faculty member with the Internal Medicine portion of the University of Michigan, and was the director Student Life Services from 1968 to 1980. He died in 2008.

EMAIL T[redacted]
An email was sent [redacted] requesting that he contact me so that I could obtain his information.

CASE STATUS:
Open.

Officer Narrative	DIVISION OF PUBLIC SAFETY & SECURITY UNIVERSITY OF MICHIGAN	Case No. 1890303861 Subject 9800 [redacted] Statement/West Entered On: 10/8/2018 11:46:21 AM Entered By: UM-0178 - West, Mark

Narrative:

SUMMARY:

This report is in reference to allegations against a former University of Michigan Doctor, [redacted]

INFORMATION:

I was able to make telephone contact w[redacted] on 10/8/2018, a[redacted] esides[redacted]

STATEMENT OF[redacted]

[redacted] said that he was a student at the University of Michigan from 1972 to around 1976. He was a wrestler on the University of Michigan Wrestling team, and went to see Dr. Anderson 3 times during his freshman ye[redacted] aid that he sought treatment due to cold sores and herpes on his [redacted] said that this was a common problem with being a wrestler. He said that Dr. Anderson checked his face, and genitals for what he thought were herpes symptoms, but also checked him for a hernia and a prostate check. He said that he did not remember if Dr. Anderson told him why he checked for the hernia or prostate, but that as a 17 year old he did not think he would have asked questions. [redacted] d not remember being seen by Dr. Anderson his sophomore year (1973?), but went and saw him his Junior year due to an elbow dislocation. He said that he remembered the procedure being the same, in that his elbow was looked at, and then the genital check for herpes, the hernia check, and prostate check being done. He said that he did not know why he would have had the hernia or prostate check for an elbow injury.

[redacted] went on to say that in his later years as a student athlete, he lived with other athletes above the Golf Course pro shop. He said that football players [redacted] and [redacted] both made comments at the time about "Dr. Drop your drawers Anderson" and [redacted] emembered cross country athlete [redacted] relaying that Dr. Anderson asked him if he had "Any homosexual tendencies".

[redacted] said that in July or August of this year, he received a telephone call from his friend [redacted] He said that [redacted] was a former University of Michigan Student Athlete and was also the Wrestling coach at the University of Illinois for 20 years. He said tha[redacted] asked him what he thought of the "Larry Nassar" news and mentioned that it sounded like Dr. Anderson all over again. [redacted] aid that he was surprised, a[redacted] d never mentioned Dr. Anderson before to him.

[redacted] said that he would be willing to allow his medical records be turned over to me so that I could investigate this incident, as he was hoping to learn more about other incidents involving Dr. Anderson.

ADDITIONAL INFORMATION:

Pam Heatlie from O.I.E called me on October 3rd, 2018 and said that she was in a meeting with Dr. Robert Ernst and Dr. Ernst had mentioned to her that he had heard that they were looking at Dr. Anderson for some past complaints. Heatlie said that she did not mention the incident, and was surprised when he brought it up. Heatlie said that Dr. Ernst is the current director of Student Health Services, and had heard rumors about Dr. Anderson in the past. Heatlie said that Ernst may have information that could assist this investigation.

Officer Narrative	DIVISION OF PUBLIC SAFETY & SECURITY UNIVERSITY OF MICHIGAN	Case No. 1890303861 Subject 98[redacted] Statement/West Entered On: 10/8/2018 11:46:21 AM Entered By: UM-0178 - West, Mark

STATEMENT OF DR. ROBERT ERNST:

Ernst was contacted by email and called me from Washington D.C., as he was there on business. Ernst said that he was the current Director of Health Services and had talked to Teresa Oesterle from DPSS who had told him about the investigation. Dr. Ernst said that he had never known Dr. Anderson, but rather heard rumors throughout the years about the doctor.

Dr. Ernst said that he was a University of Michigan Student, starting in 1987, and did his residency here in 1991. He said that he has worked in various capacities within the University. Dr. Ernst said that he has heard rumors about Dr. Anderson throughout his years, one being that he performed more exams on males than necessary. He said that he never heard anything more than that. I asked him as a doctor if there would be a reason to conduct a prostate exam for a subject with an elbow or cold sore/herpes complaint and he did not know of any reason. He said that herpes is a disease that is spread by contact, and there would be no casual contact with the anal or rectal area other than by sexual contact.

Dr. Ernst said that Health Services at the University of Michigan transferred their patient records to "Mi Chart" in 2012, and that all records before that are stored by a company called "Iron Mountain" in the locale area. He thought that they would have medical records from the 1972 era stored there. He put me in touch with Dawn Weir and Fran Palms at the University of Michigan Health Services to assist me in gathering those documents.

MEDICAL RELEASE:

I was able to fill out the medical release form (both sides) and emailed it [redacted] for his signature. He sent it back signed, authorizing me to obtain his medical records from 1972 to 1976.

CASE STATUS:

Open.

July 18, 2018

Warde Manuel
Athletic Director
University of Michigan
1000 South State Street
Ann Arbor, MI 48109-2201

Dear Mr. Manuel,

I started this a few months ago, but it became bogged down and cumbersome, so I am rewriting this in a shorter bullet point form to help me to make my point as clear and concise as I can, and to help you...the reader...sift through this mess. I am writing to inform the University of Michigan Athletic Department about something that happened to me in the 1970's. Yep, that is a long time ago.

There are two aspects of this letter.

1) The University of Michigan wrestling team doctor felt my penis, and testicles, and inserted his finger into my rectum too many times for it to have been considered diagnostic...or therapeutic...for the conditions and injuries that I had.

2) The second aspect is that the doctor's actions initiated a cascade of events that were far more difficult for me to deal with at that time in my life.

- I attended the University of Michigan from 1972 to 1976. I was recruited for wrestling out of [redacted] got a "full ride." I graduated in 1976.

- During the first few months of the wrestling season in 1972, I contracted a form of herpes common to wrestling. My face broke out in cold sores and they were constantly crusted, scabbed or oozing. I was told to go see Dr. Anderson, the team doctor.

- Dr. Anderson looked the cold sores over and then checked my penis for herpes sores. There were none. Checking the penis didn't really concern me as I knew at the time that some forms of herpes manifest themselves there. I had to cough twice, too. I had a couple of hernias as a kid and was used to my family doctor checking for them. Dr. Anderson then put on a latex glove and conducted a prostate exam. I was 17 years old, and I didn't know what to make of it.

- I saw Dr. Anderson several times for the facial herpes and there were repeated penis, hernia and prostate checks. I didn't like it, but I didn't really pay much attention to it. He was the doctor and it never occurred to me that he was enjoying what I was not.

- Over time, my cold sores subsided a bit and I didn't see Dr. Anderson for a while.

- It was 1974 and I was 19 and in my junior year. My elbow started dislocating during wrestling practice. Again, I was sent to Dr. Anderson who examined the elbow and continued with his penis, hernia and prostate checks.

- I found it strange that I needed a penis and hernia check...plus a rubber glove check for when my elbow had dislocated, but I never really gave it much thought.

- One day a roommate and I were talking with a football player who lived down the hall from us. Somehow the football player started talking about Dr. "*Drop Your Drawers*" Anderson. To put it mildly, I was shocked. The football player related how he went in for something like a badly bruised shoulder and got "the glove" AKA, prostate exam. He also mentioned similar incidents that other athletes had encountered.

- A few weeks later my roommate told me about a cross country runner he knew in one of his classes whose times were slowing down. This runner was sent by his coach to Dr. Anderson and he had to cough, get the penis check, and the rubber glove. This athlete also got questions like "any homosexual tendencies?" Incidentally, this cross country runner had long, flowing blond hair.

- Meanwhile, the way the training department taped my elbow for practice didn't help at all. It basically turned my left arm into an immovable club bent at a 30 degree angle. A few minutes into practice every day my left hand was swollen like a red balloon because of the taping. The trainer, Lindsey McClain told me that the blood was flowing into my hand, but was unable to leave because of the taping, so he told me to go back to see Dr. Anderson. No way was that going to happen.

- Also, Lindsay McClain had told one of his staff about my elbow prior to an ultrasound session, and told the assistant that I had a "nurse maid" problem. I was furious and embarrassed. My elbow came out of socket and it hurt, but it was implied that it was all in my head. In my mind Dr. Anderson was a pervert and Lindsay and my coach were assholes. It wasn't until about 10 years ago that I learned that the way my elbow was dislocating was called "nurse maid's elbow." My apologies to Lindsay, but the damage was done.

- I didn't go back to see Dr. Anderson and I quit getting my armed taped, and therefore spent the rest of the wrestling season trying to keep my elbow from dislocating. In order to keep my elbow from dislocating, I had to do less with my left arm. I became a very cautious one armed wrestler. From a coach's point of view, I slacked off. I didn't know what else to do. Yep, I was worthless to the team.

- As I mentioned, I was 19 years old at this time. I was embarrassed. This caused problems that I didn't know how to deal with. I didn't dare talk about them.

- The elbow came out a couple of times while sleeping. It often came out when doing things like changing spark plugs in my car, swinging a baseball bat, etc. Once it came out at dinner trying to outdraw my roommate for the last roll on the table.

- The season ended. I went home for the summer. Coach Bill Johannesen sent me a letter that hit me pretty hard for "wasting" my junior year. In my mind at the time, he hit just about every point that could shame and embarrass me.

- His letter came as a bit of a shock because after the elbow had dislocated the first time, Coach Johannesen had pretty much ignored me and had said...over a period of several months...only 8 words to me. Seriously.

- Coach Johannesen even sent a copy of his letter to my high school wrestling coach. This

action was particularly devastating as I held my former coach in very high regard...and still do today. (My high school coach will get a copy of this letter.) Not only had I let the Michigan wrestling team down, I had let my high school coach down, too. I was very, very ashamed and embarrassed. Also, I have avoided my high school coach for over 40 years because of Coach Johannesen's letter.

- I was furious and in the early summer of 1975, I fired back a lengthy and angry letter in which I left out very little. I was 20 years old when I wrote this letter. I mentioned my elbow dislocating. The bed wetting. The trouble sleeping I was having. I mentioned Dr. *Drop Your Drawers* Anderson in that letter. I stand by everything I wrote in that letter. I haven't looked at it for decades, but a copy of that letter is buried somewhere in an unmarked box in the barn.

- Coach Johannesen took away my "full ride" and removed me from the team.

- I appealed to coach Johannesen for reinstatement to the the team. He refused.

- I appealed to Athletic Director Don Canham for reinstatement. He had a copy of my letter and had to have been aware of my allegations against Dr. Anderson. He sent me a letter refusing to reinstate me. I think it is in the barn, too.

- I was no longer on the wrestling team when I found out that Coach Johannesen cherry picked parts of my letter and read them totally out of context to the wrestling team at a meeting in the fall of 1975...the start of my senior year. I was humiliated. My roommates came home from the meeting visibly upset. They told me about some of the things he said, but refused to talk about others. In those few minutes in front of my friends and teammates, the coach stripped away everything I had ever been. Because I "would be a negative influence" on my wrestler roommates, Coach Johannesen tried to get the lease broken for my friends/roommates and get them to move out. Even [redacted]ried to talk them into moving out of the apartment. Luckily, my friends refused to move out. I cannot emphasize how important that was at the time. They knew who I was. I still talk to, and often see, these two guys today.

- I hired a lawyer and appealed to the members of the Board of Intercollegiate Athletics. I had a meeting with them. I was so ashamed and upset that I could barely get any words out of my mouth. The board members all had a copy of my letter that mentioned Dr. *Drop Your Drawers* Anderson. The Board of Intercollegiate Athletics reinstated my scholarship and returned me to the team. I declined to go back to the team and Coach Johannesen, but they let me keep the "full ride." Humiliation and embarrassment were a large part of why I refused to go back to the team, plus I was tired of my elbow coming out of socket. Dislocated elbows hurt.

- There has been an underlying sense of guilt and shame that has lingered for years. It was never debilitating, but it sure as hell hung around in the back of my mind. A story on NPR about the MSU gymnasts reignited the memories of this.

Summary:

- I bullet pointed a period of my life that was extremely difficult. The embarrassment of the penis checks, having to cough while Dr. Anderson checked my hernias and especially the repeated finger insertions into my rectum greatly influenced the tone of the angry letter I sent to the coach that got me booted from the wrestling team and took away my scholarship for a

while.

- Dr. Anderson's actions, coupled with a periodically dislocating elbow, led to a series of events that caused Coach Johannesen to respond in a totally incorrect way towards an angry letter written by an immature, and upset, 20 year old boy. The 20 year old boy...me...was totally unequipped to deal with any of this. Please do not read any pity into this. I am merely stating a fact.

- The removal from the team when I was 20 years old took away the only identity I had ever had until that point in time. It embarrassed the hell out of me in front of my wrestling friends on the Michigan team, and around the country. I still feel inferior around them and I have a gnawing urge to explain and apologize to them. I avoid many of them as much as possible. In February, I ran into one of my former teammates I hadn't seen in 40 years or so, and felt a wave of shame come over me. I actually stammered while trying to talk to him about nothing. I know that I made no sense.

- Luckily, my wrestler roommates did not abandon me during the 1975-76 school year.

- The wrestling coach, athletic director and the Board of Intercollegiate Athletics were informed about Dr. Anderson.

- Dr. Anderson was looking for a response that I never gave to him.

- Coach Johannesen was an dipshit then, and probably still is today. Sorry about this, but I had to state this.

- I was kicked off of the team, my scholarship was terminated and I was denigrated in front of my teammates by a person in the position of authority...representing The University of Michigan...for being unable to deal with...and complaining about...a periodically dislocating elbow...and a non-diagnostic, non-therapeutic grabbing of my penis, testicles, and the rubber gloved finger being inserted into my rectum by the team doctor.

- I am fully aware that it was the 1970's and it was an entirely different world then. I am also aware that 40 plus years is an extremely long time ago. I expect nothing. I want nothing. I just feel the need to report this. Also, I am fully aware that many people in the current UM Athletic Department were very young at the time, or not even born yet.

Thank you for your time.

[redacted]

Officer Narrative	DIVISION OF PUBLIC SAFETY & SECURITY UNIVERSITY OF MICHIGAN	Case No. 1890303861 Subject 98007/Suspicious Circumstan[redacted]/est Entered On: 10/16/2018 8:33:30 AM Entered By: UM-0178 - West, Mark

Narrative:

SUMMARY:

This report is in reference to former University of Michigan Doctor Robert Anderson and allegations of sexual misconduct.

INFORMATION:

At the start of this investigation, Detective Mike Mathews contacted Pamela Bacon at the Michigan LARA (licensing and regulatory affairs) office to see if any complaints had been filed against Dr. Anderson. It was learned that there was a complaint of sexual misconduct filed on 5/13/1994 and closed on 3/16/1995. The records for this were purged after 7 years, but Bacon told Mathews that she would see what she could find out about it. Bacon then supplied Mathews with the name of [redacted] along with an address and telephone number. She had contac[redacted] and he welcomed the call by this agency.

I made telephone contact [redacted] on 10/15/2018.

STATEMENT OF [redacted]

I introduced myself [redacted] and he said "I am glad someone finally called to look into this". I asked [redacted] he would feel comfortable talking to me about what had happened and he said that he w[redacted] said that he was a student at the University of Michigan and that the incident took place between the years of 1973 and 197[redacted] relayed that he went to the University health facility, and according to the description he gave, we determined that it was University of Michigan Health Services on Fletcher Street. He said that he went there for a routine physical, and remembered that it was a Saturday, as the receptionist told him that Dr. Anderson did not generally work on Saturdays, but agreed to fit him [redacted] id that Dr. Anderson "fondled his genitals" during the examination. I clarified [redacted] if this could have been a hernia check, and [redacted] replied "you don't understand, he fondled my genitals until fluid came out".

[redacted] said that he was a young kid at that time, and didn't know what to do. He said that Dr. Anderson did not appear to react to this, nor did he say anything. He said that he dealt with this for years, but finally filed the complaint because "I couldn't live with myself".

I informed him that we were looking into this, and he said that he would be willing to talk to me again. He was told of the passing of Dr. Anderson.

CASE STATUS:

Open.

Officer Narrative	DIVISION OF PUBLIC SAFETY & SECURITY UNIVERSITY OF MICHIGAN	Case No. 1890303861 Subject 98007/CSC/EASTHOPE/BRIGGS/JEDEL E/WEST Entered On: 11/6/2018 10:56:58 AM Entered By: UM-0178 - West, Mark

Narrative:

SUMMARY:

This report is in reference to a Criminal Sexual Conduct (CSC) investigation involving former University of Michigan Physician Dr. Robert Anderson.

INFORMATION:

Tom Easthope was the former Vice President of Student Life at the University of Michigan. Student Health Services fell under the control of Student Life. Mary Jo Despreez is currently in charge of the University of Michigan Wellness and had heard rumors from her father, Tom Easthope, in regards to Anderson. She was able to give me his contact information. Detective Ryan Cavanaugh and I were able to respond to his residence today, November 6, 2018, and talk to him.

STATEMENT OF TOM EASTHOPE:

I talked to Tom Easthope at his residence. His wife [redacted] was also present [redacted] aid that she was aware of the information about Anderson, as it has bothered her husband and he talked to her about it on different occasions.

Easthope relayed that he was the Vice President of Student Life at the University of Michigan and knew Dr. Robert Anderson. He said that Robert Anderson was the director of Health Services during his time, and that he had stories to tell about "Bob". I told him that we were investigating "inappropriate behavior" involving Dr. Anderson and a patient and he replied "I bet there are over 100 people that could be on that list".

Easthope said that he rememb[redacted] local activist, approaching him back "40-50 years ago" and telling him about Anders[redacted] relayed that he had several people that were in the gay community that told him they were assaulted by Dr. Anderson. Easthope said that he remembered the phrase "fooling around with boys in the exam rooms" a[redacted] told him. Easthope said that as an act[redacted] as familiar with the homosexual community, and people talked to him as they trusted him to help.

Easthope said that he has trouble remembering all of the conversation and circumstances, but said that he "will never forget walking across the campus to Health Services to fire Bob". He said that he was fairly new in the position, and that Bob (Dr. Anderson) was a "big shot" at the University. Easthope said that he told Dr. Anderson that he knew he was fooling around in the exam rooms with the boy patients, and Dr. Anderson just looked at him, but did not deny it. He said that he told Dr. Anderson "You Gotta Go". Easthope said that he fired him on the spot, but his wife [redacted] minded him that he allowed him to resign [redacted] said that her background is in human resources, and remembered that he was allowed to resign because he was gone that same day. [redacted] aid that for a termination, there is a longer process generally.

Easthope then said that he may have resigned, but that he was gone as director that day. Easthope said that this was an emotional time for him and is still in his conscious at this time. He said that Anderson went into Private Practice after he left University of Michigan. Easthope said that he knew he was in private practice, as he had renewed his pilots license several years ago; and it was Dr. Anderson that walked in the exam room to give him the physical. Easthope said that it was awkward and that "I knew he had better not touch me". He said that this practice was near the corner of Huron River Drive and Clark in Ypsilanti MI.

Officer Narrative	DIVISION OF PUBLIC SAFETY & SECURITY UNIVERSITY OF MICHIGAN	Case No. 1890303861 Subject CSC/Anderson/Miller/West Entered On: 11/9/2018 9:23:25 AM Entered By: UM-0178 - West, Mark

Narrative:

SUMMARY:

This report is in reference to the Criminal Sexual Conduct investigation involving former University of Michigan Physician Dr. Robert Anderson.

INFORMATION:

I was able to determine that Russell Miller was the athletic trainer during Dr. Anderson's time with University of Michigan Athletics. Miller [redacted] said that he worked with Dr. Anderson, and that Dr. Anderson was an "Unbelievable Team Doctor".

Miller said that Dr. Anderson was the director of Health Services at the University of Michigan, and that then Athletic Director Canham worked out a deal so that he would come over and work with Athletics as well. Miller said that when he left Health Services, he opened a private practice, and Canham was able to get him to come over to the football team to work. Miller said that the team actually had two physicians. Dr. Gerald O'Conner was the Orthopedic Surgeon, and "Would make a point of letting Dr. Anderson know he was the primary care physician". He said that Dr. Anderson was more of an "Internist" working in Internal Medicine. He said that to his knowledge Dr. Anderson was more for Flu, Cold, and medical things such as that.

Miller said that he had worked with several doctors over his career, and rates Dr. Anderson near the top of them. Miller said that aside from the football team, Dr. Anderson also was the primary care doctor for most of the staff and their fami[redacted] He said that the thought of Dr. Anderson having any investigation done on him "Shatters him". Miller said that Larry Nassar was a student trainer of his and he was shocked to hear about this as well.

Miller said that the student athletes were often crude and joked about things when seeing the doctor. He said that he remembered athletes asking him "He isnt going to be using 2 fingers is he?" Miller said that the students joked about this even though Dr. Anderson did not give rectal exams. He said that he heard statements like this mentioned about all doctors, not specifically Dr. Anderson. Miller said that he never heard any complaints or nicknames about Dr. Anderson. He said that Dr. Anderson had a well known reputation for Athletics, as he had started Athletic Training in the Flint area schools prior to his days at the University of Michigan. He said that this reputation was what made him an appealing doctor to Canham.

Officer Narrative	DIVISION OF PUBLIC SAFETY & SECURITY UNIVERSITY OF MICHIGAN	Case No. 1890303861 Subject CSC/OGC/Winiarski/Boyce/West Entered On: 11/19/2018 2:23:19 PM Entered By: UM-0178 - West, Mark

Narrative:

SUMMARY:

This report is in reference to the CSC investigation involving former University of Michigan Physician Robert E. Anderson.

INFORMATION:

On 11/5/2018, I contacted the General Counsel office at the University of Michigan to ascertain if they had any records pertaining to Robert Anderson. I was directed to paralegal Karen Staszel, who told me that she would research this request and get back with me.

A couple of days later, Associate General Counsel Diane Winiarski contacted me to ask what I was looking for in reference to Dr. Robert Anderson. I explained about his demotion from Health Services, and about the senior University official that was able to tell me of his release due to "fooling around with boys in the exam rooms". I requested further paperwork related to this move, as Anderson continued on with his employment with the University of Michigan after this demotion.

Winiarski emailed me on 11/19/2018 and told me that she had checked with "UHS, Athletics, and someone formerly with Patient Relations and none of those departments had anything".

I have not been able to locate any additional information related to Dr. Robert Anderson's demotion from Health Services at this time.

CASE STATUS:

Open.

Officer Narrative	DIVISION OF PUBLIC SAFETY & SECURITY UNIVERSITY OF MICHIGAN	Case No. 1890303861 Subject CSC/Anderso[redacted]homas/West Entered On: 4/23/2019 10:17:09 AM Entered By: UM-0178 - West, Mark

This initial incident occurred in the early 1970's, and due to this, several people with a connection are now deceased. These subjects are:

Dr. Thirza Smith, faculty at Health Services during Dr. Robert Anderson's tenure.

Dr. Albert Girz, Faculty at Health Services during Dr. Robert Anderson's tenure.

Dr. Thomas Holley, Faculty at Health Services during Dr. Robert Anderson's tenure.

Jean Arndt, RN at Health Services during Dr. Robert Anderson's tenure.

Mary Taylor, RN at Health Services during Dr. Robert Anderson's tenure.

Bernice Fanning, RN at Health Services during Dr. Robert Anderson's tenure.

Sima Teadorovic, RN at Health Services during Dr. Robert Anderson's tenure.

Lois Margaret Dick, RN, Nursing services director at Health Services during Dr. Anderson's tenure.

Evart Ardis, Health Services Director prior to Dr. Robert Anderson

Ralph Mortonson, Administrative Manager who processed Dr. Anderson's transfer from Health Services to the Hospital.

Kathleen Dannemiller, Assistant to former President of Student life Henry Johnson.

Dr. Gerald O'Connor, Fellow Athletic Department physician that worked with Dr. Robert Anderson.

Donald Canham, Former Athletic Director at the University of Michigan

Lilyan Duford, former secretary of Donald Canham

Glenn E. "Bo" Schembechler, Former University of Michigan Football Coach during Dr. Robert Anderson's transfer from Health Services Director.

Tirrel Burton, Assistant Football Coach during the early 1970's.

Milan Vooletich, Former Assistant Football Coach during the early 1970's.

Alex Aggse-Former Assistant Football Coach during the early 1970's.

These subjects worked with, or for Dr. Anderson during the years of his employment and may have been able to provide details or information about these incidents.

CASE STATUS:

Closed.

Officer Narrative

DIVISION OF PUBLIC SAFETY & SECURITY UNIVERSITY OF MICHIGAN

Case No. 1890303861
Subject: CSC/Anderson/[redacted] West
Entered On: 8/22/2019 1:40:33 PM
Entered By: UM-0178 - West, Mark

Narrative:

SUMMARY:

This report is in reference to the Criminal Sexual Conduct investigation involving Dr. Robert Anderson.

INFORMATION:

On 8/21/2019, Criminal Investigations Unit Supervisor Lt. Paul DeRidder forwarded me an email he received from Dave Masson, general counsel for the University of Michigan. Masson had received an email from Dr. Robert Ernst, current director of the University of Michigan Health Services, who had received an email from a former student of the University of Michigan.

The email was from [redacted] who obtained his Bachelors degree from the University of Michigan in 1972 and a Masters Degree in 1973.

The email consisted of an assault [redacted] was a victim of when he was a student at the University, and the suspect was identified as Dr. Robert Anderson.

EMAIL:

The email was titled "Anderson's Boys, My Michigan Me-Too Moment, 1971". This email was attached to this report. The email was about a visit to the Health Services department when Dr. Anderson was director and physician the[redacted] explained that he was a "young gay man just coming to terms with his sexuality" and that he had thought that he has contracted a sexually transmitted disease. He said that he reached out to some of his "few gay male friends in Ann Arbor" and was told to "Go see Dr. Anderson, he'll take care of yo[redacted] did not think he could just "name request" Dr. Anderson and the friend told him to just tell his office that he (friend) sent you[redacted] did so and was able to obtain an appointment 2 days later.

[redacted] said that he met with Dr. Anderson in his office, and they then went into the exam room. This was just the 2 of them. Dr. Anderson asked him if he "pulled back his foreskin and look for deposits or discharges", and then Dr. Anderson "without warning or hesitation" "opened his lab coat and began to remove his belt and unzip his pants". "Dr. Anderson then said "here, let me show you". "Dr. Anderson then pulled down his pants and boxers, jumped up on the exam table, and began to digital manipulation of his small, uncircumcised penis". Dr. Anderson then insisted that I come over to the exam table and he "placed my hand on his erect penis and asked me to pull back the foreskin. I complied, and then he placed his hand on top of mine and began moving it up and down on his erection[redacted] said that he "wanted to get this over as quickly as possible, but I was not going to allow this to continue without the doctor's acknowledgement of what was really going on, So I asked Dr. Anderson, Do you want to have an orgasm? He replied yes".

[redacted] ote that he was horrified and dazed, and questioned how something like that could happen to h[redacted] aid that "I am reaching out to you (Ernst) with this letter in hopes you will do everything within your power to make sure something like this never happens again at Michigan".

CONTACT WI[redacted]

Officer Narrative

DIVISION OF PUBLIC SAFETY & SECURITY
UNIVERSITY OF MICHIGAN

Case No. 1890303861
Subject
CSC/Anderson/[redacted] West
Entered On: 8/22/2019 1:40:33 PM
Entered By: UM-0178 - West, Mark

I was able to [redacted] by telephone on 8/22/20[redacted] agreed to speak with me and said that he has thought of the incident every since it happened, and thought it should be made aware of. I told [redacted] that I had read his letter, and he said that he could not give me much more detail than what he had written. I then went over the letter with him and he said that he could still remember the small details of everything that had happened, due to the stress of the situation. [redacted] could remember the family photograph of Anderson's family on the credenza behind him, down to the large window in his office, with venetian blinds, overlooking Fletcher Street.

[redacted] said that his friend that told him to contact Dr. Anderson was [redacted] but did not have any other information about [redacted] said that after graduating from the University of Michigan, [redacted] He lost touch with all of his Michigan friends at that point. He said that when he to[redacted] "Why didn't you warn me" a[redacted] could do was shrug his shoulders. [redacted] said that he figured that all of Anderson's gay patients just had to endure it. [redacted] said that at that time, homosexuality was still classified as a mental illness by the American Psychiatric Association. [redacted] said that Anderson would see him whenever he needed after that, and it was strictly professional on the other visits.

[redacted] said that he requested his medical records from the University of Michigan in 1993 and the visit on June 30, 1971 was annotated as a "V.D Surve[redacted] said that he thought this was a code Anderson used for the "special treatment reserved for his gay male patients".

[redacted] said that he would send me his medical records. I informed [redacted] that he was not alone, and provided him with this case report number. [redacted] said that he would call if he remembered anything else.

ADDITIONAL INFORMATION:

I was not able to track dow[redacted] this time. There are multiple in the state of Michigan and multiple alumni with that name.

CASE STATUS:

Open.

UNIVERSITY OF MICHIGAN

Mark West [redacted]

Fwd: Dr. Anderson

2 messages

Paul DeRidde[redacted]
To: Mark West [redacted]

Wed, Aug 21, 2019 at 5:25 PM

FYI
Sent from my iPhone

Begin forwarded message:

From: Dave Masson [redacted]
Date: August 21, 2019 at 17:11:16 EDT
To: "DeRidder, Paul" [redacted]
Subject: Dr. Ande[redacted]on

Hello Lt. DeRidder:
I understand that recently UMPD was investigating issues related to Dr. Robert Anderson (deceased). I am not sure if this matter is still an open investigation or not, however I am forwarding the email below which appears to be related to Dr. Anderson. Dave

---------- Forwarded message ----------
From: [redacted]
Date: Sun, Aug 18, 2019 at 7:05 PM
Subject: My Michigan Me-Too moment
To: <[redacted]

Dr. Robert Ernst and Acting Dean Elizabeth Cole,

I am reaching out to you with this letter in hopes you will do everything within your power to make sure something like this never happens again at Michigan.

Anderson's Boys
My Michigan Me-too Moment, 1971

Some things you never forget. I was 20, an undergraduate in the school of Literature, Science, and the Arts, and a young gay man just coming to terms with his sexuality. Ann Arbor was a kind and tolerant place for those of us who did not conform to the gender-normative standards of the era. But there were times when medical issues could "out" us and leave us vulnerable.

Dr. Anderson was the head of the University of Michigan Student Health Service when I was an undergraduate and graduate student there. I saw him several times in December, 1970 because of the recurrence of a hydrocele - an acutely painful testicular swelling. I was sent to his office, I believe, because I dropped in a dead faint onto the floor of the health service while I was standing in line to check-in to see a physician. The health service rotated students to whatever physician was available when you arrived. I believe they sent me to the head of the

health service because my situation was clearly acute. Dr. Anderson prescribed medications which successfully addressed the problem.

But in June of 1971, I was told by a sexual partner that he had a sexually transmitted disease and he recommended I see a physician. This was a new experience for me and I didn't know what to do. I was home for the summer, working a production line in a Detroit auto factory to put myself through school. I couldn't see my family physician and the factory didn't have one available for anything other than a work injury. So I reached out to a few gay male friends in Ann Arbor who were also Michigan students. One of them told me, "Go see Dr. Anderson, he'll take care of you." Seeing a physician of choice at the health service was rarely possible. Dr. Anderson was the Director of the university's health service, and I couldn't just name-request him. My friend continued, "It won't be a problem, he takes care of all the gay guys on campus. And he doesn't make those awkward referrals to the Department of Public Health. Just call his office and tell them I sent you."

I doubted my friend, but I didn't know where else to turn. So I placed the call. I was somewhat astonished when I was given an appointment with Dr. Anderson two days later, on June 30, 1971. It was summer and I had to drive from Detroit to Ann Arbor to keep the appointment. Throughout my one-hour drive, I remained nervous and uncomfortable with my situation. I had never been exposed to a venereal disease, and I had only recently begun having sex with men.

I walked through the doors of the health service and paid the appointment fee. Then I headed for Dr. Anderson's suite which was located prominently in the front of the building, not far from the main entrance. I identified myself to his receptionist and waited to be called. Soon Dr. Anderson emerged from his office and motioned me in.

Dr. Anderson was a short, rotund little man with brown hair, wearing a white lab coat over his street clothes. I guessed him to be about forty-years-old. I don't think he had any memory of me from the appointment I had six months earlier. After all, Michigan was, and still is, a big school. I glanced around the office as I sat down at his desk, noticing for the first time how spacious and well-appointed it was - much better than the offices of other physicians I had consulted for routine health matters. I sat in the chair in front of his desk, as he sat down opposite me. I will never forget the framed picture on the credenza behind him, showing the smiling faces of several young children and a woman I assumed to be his wife. The large window behind his desk opened onto Fletcher St. and sun streamed through Venetian blinds as I haltingly explained the information I received from my sexual partner. Dr. Anderson listened, then got up from his chair saying, "Let's go into the exam room."

He led me into a large adjacent examination room and asked me to take a seat in the room's only chair. Anderson then launched into a dissertation about the symptoms of venereal disease (none of which I had) and what to look for. Nothing he said was new to me; I was naive, not stupid. I responded, "Thanks, this is stuff I know." Then his presentation took an awkward and unexpected turn. He inquired, "Do you know how to pull back your foreskin and look for deposits or discharges?"

"I'm circumcised," I replied, "so that's not an issue."

Then, without warning or hesitation, Anderson opened his lab coat and began to remove his belt and unzip his trousers. "Here," he volunteered, "let me show you." He proceeded to pull down his pants and boxers, jump onto the exam table, and begin the digital manipulation of his small, uncircumcised penis. He continued talking, offering some quasi-medical accompaniment for his masturbation. Anderson insisted I come over to the exam table. I stood up, walked over, and he placed my hand on his erect penis and asked me to pull back the

foreskin. I complied, and then he placed his hand on top of mine and began moving it up and down on his erection. At this point, I knew exactly what this was; it was not educational. But I had not yet received the medical examination I needed. I had to get this over as quickly as possible, but I was not going to allow this to continue without the doctor's acknowledgement of what was really going on.

So I asked Dr. Anderson, "Do you want to have an orgasm?"

He replied, "Yes."

And so the doctor got the hand-job he was seeking. Afterwards, he quickly stood up, cleaned himself off, and did a cursory exam of his patient. He took a slide off the tip of my penis (despite the fact that there was no discharge) and he drew blood. The tests would all come back "negative."

When I left the office, I was horrified and dazed. How could such a thing happen to me, or anyone, at the school I loved? I was not traumatized, just disgusted. Before leaving Ann Arbor, I visited my friend who made the referral to Dr. Anderson, to tell him what happened. "Why didn't you warn me?" I protested. My friend just shrugged his shoulders and looked away. Evidently this was the price all Dr. Anderson's gay male patients paid for his services and confidentiality. Everyone simply endured it. It was 1971; homosexuality was still classified as a mental illness by the American Psychiatric Assocation. We were "beggars, not choosers" and we just had to "man-up" and take it.

I saw Anderson for a follow-up, and the exam was strictly business, without a sexual component. After this, I guess you could say I became one of Anderson's boys. He would see me whenever I needed, and all the subsequent exams were strictly professional.

Almost half a century has passed, and I have often thought about it this experience. I wondered if it happened multiple times to some of Anderson's gay patients, or if there was only one introductory "lesson" for each of us. I will never know, because we didn't talk about these things in those days. I moved to San Francisco after finishing graduate school at Michigan. And most the gay men I knew and loved in that magical city did not live to see old age, as I have. I'm a lucky man, now married to a retired physician. The irony of this is not lost on me.

In 1993, I requested my medical records from the University. They were sent to me in the mail, and there on the dark, poorly photocopied record was Dr. Anderson's annotations for my visit of June 30, 1971. It showed "slide neg, VDRL" and the cryptic annotation "V.D. Survey" which I now assume was the doctor's code for the special treatment he reserved for his gay male patients.

I am the author of four books, under my pen nam[redacted]nd I briefly toyed with including a chapter on this experience in one of them. But frankly, I couldn't bring myself to relive it. Only recently have I been able to sit down and write it out. I hold no ill-will toward the University or Dr. Anderson. I imagine the doctor's closeted life was not an easy one. But when abuse survivors come forward to report long-suppressed instances of sexual abuse, I don't doubt them. Once you have had your own "me-too" moment, it changes you. And you never forget.

[redacted]

EXHIBIT 3

UM knew of sex abuse reports against doctor 19 months before going public

Kim Kozlowski, The Detroit News Published 10:18 p.m. ET Feb. 19, 2020

The University of Michigan learned about allegations of sexual misconduct by former sports Dr. Robert E. Anderson (http://www.medicineatmichigan.org/sites/default/files/archives/v2classnotes.pdf)in 2018 — but 19 months passed before UM publicized a hotline, announced the hiring of an outside investigator and publicly asked for any other potential victims to come forward.

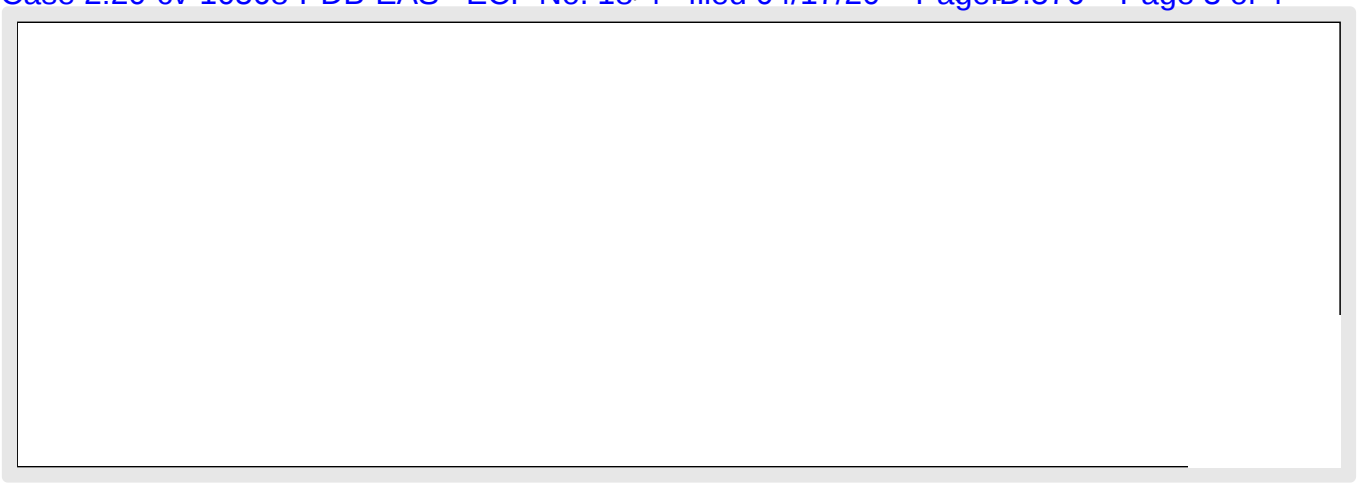
UM announced the moves Wednesday morning — 19 hours after The Detroit News began asking questions about allegations lodged in August by Robert Julian Stone, (/story/news/local/michigan/2020/02/19/university-michigan-investigates-sex-complaints-against-former-football-doctor/4712724002/) a UM alum who alleged the late doctor fondled him during a medical exam in 1971.

Robert Julian Stone accused Anderson of sexually assaulting him nearly 50 years ago. *(Photo: PDTN)*

"The reason I called (The News) worked," Stone said. "I just wasn't willing to sit here and be stonewalled by these people indefinitely."

In a press release issued Wednesday morning, university officials said UM police began an investigation in July 2018 after a former student athlete wrote to Athletic Director Warde Manuel about alleged abuse during medical exams in the early 1970s.

More: Former University of Michigan team doctor investigated for multiple sex abuse complaints (/story/news/local/michigan/2020/02/19/university-michigan-investigates-sex-complaints-against-former-football-doctor/4712724002/)



UM said the outreach to possible victims it announced Wednesday was part of an independent review by lawyers at the firm of Steptoe & Johnson, which the university hired in January. The university also said the Washtenaw County Prosecutor's Office finished its review of the case Tuesday and decided against filing criminal charges.

When asked why UM waited to call for victims until The News asked about Anderson, university spokesman Rick Fitzgerald responded in an email.

"Thanks for asking this important question," Fitzgerald said. "The university took this action based on receipt of an initial review by the external law firm and the prosecutor's decision Tuesday."

Later, Fitzgerald said: "We made a decision to wait on any additional outreach until the prosecutor made a decision on criminal charges. We would never want to do anything that would interfere with a police investigation."

The UM police investigation, which Fitzgerald said was completed in April 2019, was sent to the Washtenaw County Prosecutor's office for review.

Chief Assistant Prosecutor Steven Hiller said UM sent the report between May and June.

Two hours after The News asked about the case Wednesday, Hiller said the review had been concluded; in a later email, he said his office finished reviewing the allegations months ago.

He added that no charges could be filed even if evidence existed because Anderson was deceased and no ancillary charges could be filed against others because the statute of limitations had expired.

"This office concluded our review of the report sometime last fall," Hiller said. "The review was initially completed some time before that, and then the matter was looked at again after UMPD submitted an additional report in the late summer or early fall."

The allegations against Anderson became public Wednesday when The News published a story detailing Stone's account of the alleged assault by the doctor and numerous emails he exchanged with UM officials.

Stone reported his allegations to the university in August, and followed up Jan. 3, asking for his report.

Jesse Johnson, UM police records and evidence manager, told Stone he wouldn't get the report because it was under review by prosecutors, adding that the report is "extremely large and documents many other victims, and any release will have to be heavily redacted."

"That report could not be released until the Prosecutor's Office has completed its review," Johnson told Stone in an email.

Stone told the News one of the reasons he came forward was that he learned there were other alleged victims and he feared that the university and the prosecutor could keep the case open indefinitely, and no one would ever know about the allegations against Anderson.

"I want to reach out to all of the other men who were assaulted by this doctor and I want them to step forward, because we're stronger together," Stone said. "Only if they step forward in a public way can we guarantee the integrity of the case file."

On Wednesday, after Stone's story was published online, he said he got a call from UM police Detective Mark West.

Stone said West told him he did the right thing by contacting the media because it "forced the hand" of the prosecutor's office, and accusers needed an update.

"He said I was right in my assumptions that they were just sitting on it and not doing anything," Stone said. "They are now doing something. That can't undo what happened to me and the other men, so they have to have some sort of face-saving modus operandi in order to make themselves like they are doing something. That's what they have to do and it's what they should do."

West did not respond Wednesday to phone messages from The News.

Anyone who wants a copy of their report came make a request under the Freedom of Information Act with UM's FOIA office at foia-email@umich.edu.

kkozlowski@detroitnews.com

Read or Share this story: https://www.detroitnews.com/story/news/local/michigan/2020/02/20/um-knew-sex-abuse-reports-doctor-19-months-before-going-public/4809741002/

EXHIBIT 4

Statement from the University of Michigan Board of Regents and President Mark Schlissel Re: Reports of misconduct by Dr. Anderson

March 6, 2020

We are sorry for the pain caused by the failures of our beloved University.

The allegations that have surfaced sadden and disgust us.

We are profoundly grateful to our courageous alumni who have stepped forward to hold our University accountable. We stand committed to the thorough, independent and transparent investigation launched by an external firm into the disgraceful behavior that has been reported.

We have met with, and sought counsel from, survivors, doctors and mental health experts and believe we are overseeing a process that will ultimately serve as the best course of action for the survivors and University community. Our goal is for the University to serve as the highest example for other institutions on how to handle similar situations.

We recognize that trust in the University has been broken. As leaders, we understand the tremendous importance of integrity, and we will strive to always uphold the public's trust in our University. There is no greater institutional responsibility than the safety of our students, faculty and staff.

EXHIBIT 5

Michael Cox

From: Bush, Cheryl <Bush@bsplaw.com>
Sent: Wednesday, March 18, 2020 2:53 PM
To: David Shea; Michael Cox
Cc: Douglas, Stephanie; Linkous, Derek
Subject: proposal
Attachments: Does MC Tolling Agreement (w- Stay).pdf

I understand that you had requested a tolling agreement. Attached is a proposal.

Talk to you soon.

Cheryl

AGREEMENT

This Agreement is entered into by and between the University of Michigan and its Board of Regents (collectively, the "University"), and certain individuals who have sued under litigation pseudonyms as plaintiffs in the lawsuits listed in Exhibit A (collectively, the "Does").

The Does assert legal claims as to the University for actions arising out of the conduct of Dr. Robert E. Anderson (collectively, the "Claims"). In consideration of delaying any litigation over those Claims and out of a desire to investigate and negotiate the Claims to determine a prudent resolution, the Parties agree as follows:

1. Tolling Period. The Tolling Period of this Agreement shall be from March 16, 2020 (the "Effective Date") to September 16, 2020 (the "Expiration Date").

2. Tolling. The Parties shall forbear and postpone the filing, commencement, and prosecution of any legal or equitable action related to the Claims commencing on the Effective Date and continuing until the Expiration Date. The Tolling Period shall not be included in computing the applicable statute of limitations for the Claims. Nothing in this Agreement shall have the effect of reviving any claims that are otherwise barred by any statute of limitations prior to the Effective Date, or of waiving any defenses.

3. Stay. The Does have certain Claims pending in the U.S. District Court for the Eastern District of Michigan. The Does shall seek, and the University shall not oppose, a stay of any pending Claims until the Expiration Date.

4. No Admissions. Nothing in this Agreement shall constitute an admission of any factual matter, or a waiver of any right or defense (except as provided in Section 2). The Parties agree this Agreement will not be admissible for any purpose other than to rebut a statute-of-limitations defense or to defend against any claim, action, or other proceeding that may be

initiated by one of the Parties against another in breach of this Agreement or relating to this Agreement.

5. Entire Agreement. This Agreement contains all the understandings and representations between the Parties with respect to its subject matter and supersedes any prior or contemporaneous understandings, agreements, representations and warranties, both written and oral, with respect to its subject matter.

6. Modification. No provision of this Agreement may be amended or modified unless such amendment or modification is agreed to in writing and signed by the Parties.

7. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

8. Authority. The Parties represent and warrant that their attorneys each has the right and authority to execute this Agreement; and that neither Party has sold, assigned, transferred, conveyed or otherwise disposed of any claim or demand relating to any matter covered in this Agreement.

9. Governing Law: Jurisdiction and Venue. This Agreement shall be construed in accordance with the laws of Michigan without regard to conflicts-of-law principles. Any action or proceeding by either of the Parties to enforce this Agreement shall be brought only in the Washtenaw County Circuit Court, State of Michigan or the federal court for the Eastern District of Michigan. The Parties hereby irrevocably submit to the exclusive jurisdiction of such courts and waive the defense of inconvenient forum to the maintenance of any such action or proceeding in such venue.

Signatures on the next page.

On behalf of the University:

_____
Cheryl A. Bush

Dated: _____

On behalf of the Does:

_____
Michael A. Cox

Dated: _____

EXHIBIT A: List of Lawsuits

1. *Doe MC-1 v. Univ. of Michigan et al.*, No. 20-CV-10568 (E.D. Mich., filed March 4, 2020)
2. *Doe MC-2 v. Univ. of Michigan et al.*, No. 20-CV-10578 (E.D. Mich., filed March 5, 2020)
3. *Doe MC-3 v. Univ. of Michigan et al.*, No. 20-CV-10579 (E.D. Mich., filed March 5, 2020)
4. *Doe MC-4 v. Univ. of Michigan et al.*, No. 20-CV-10582 (E.D. Mich., filed March 5, 2020)
5. *Doe MC-5 v. Univ. of Michigan et al.*, No. 20-CV-10621 (E.D. Mich., filed March 8, 2020)
6. *Doe MC-6 v. Univ. of Michigan et al.*, No. 20-CV-10593 (E.D. Mich., filed March 5, 2020)
7. *Doe MC-7 v. Univ. of Michigan et al.*, No. 20-CV-10580 (E.D. Mich., filed March 5, 2020)
8. *Doe MC-8 v. Univ. of Michigan et al.*, No. 20-CV-10640 (E.D. Mich., filed March 9, 2020)
9. *Doe MC-9 v. Univ. of Michigan et al.*, No. 20-CV-10641 (E.D. Mich., filed March 9, 2020)
10. *Doe MC-10 v. Univ. of Michigan et al.*, No. 20-CV-10617 (E.D. Mich., filed March 6, 2020)
11. *Doe MC-11 v. Univ. of Michigan et al.*, No. 20-CV-10596 (E.D. Mich., filed March 5, 2020)
12. *Doe MC-12 v. Univ. of Michigan et al.*, No. 20-CV-10595 (E.D. Mich., filed March 5, 2020)
13. *Doe MC-13 v. Univ. of Michigan et al.*, No. 20-CV-10614 (E.D. Mich., filed March 6, 2020)
14. *Doe MC-14 v. Univ. of Michigan et al.*, No. 20-CV-10618 (E.D. Mich., filed March 6, 2020)
15. *Doe MC-15 v. Univ. of Michigan et al.*, No. 20-CV-10631 (E.D. Mich., filed March 9, 2020)
16. *Doe MC-16 v. Univ. of Michigan et al.*, No. 20-CV-10622 (E.D. Mich., filed March 8, 2020)
17. *Doe MC-17 v. Univ. of Michigan et al.*, No. 20-CV-10664 (E.D. Mich., filed March 11, 2020)
18. INTENTIONALLY OMITTED (Doe MC-18 hasn't filed suit)
19. *Doe MC-19 v. Univ. of Michigan et al.*, No. 20-CV-10679 (E.D. Mich., filed March 12, 2020)
20. *Doe MC-20 v. Univ. of Michigan et al.*, No. 20-CV-10693 (E.D. Mich., filed March 13, 2020)

EXHIBIT 6

Jackie Cook

From: Michael Cox
Sent: Thursday, March 19, 2020 12:25 PM
To: Bush, Cheryl
Cc: David Shea; Jackie Cook; Douglas, Stephanie; Linkous, Derek; Carone, Andrea; Miller, Julie; Michael Cox
Subject: Response on Time and Settlement

Cheryl:

I. 30 Extra Days

We will extend the time for responding 30 days, so to May 4, 2020 (since May 3 lands on Sunday), if your client will agree to executing a Confidentiality and Protective Order in each case for the limited purpose of submitting requests for medical records that your client will respond to within a reasonable amount of time.

II. 60 or More Extra Days

We are open to discussing the possibility of an additional 60-day extension, subject to a productive, transparent meeting with your client in April and subject to your client's willingness to allow the Anderson victims to engage in limited discovery to assist in settling the case.

Your client has had unilateral and unfettered access to relevant documents and witnesses for 19 months – since July 18, 2018 – while keeping information about Anderson's abuse a secret from the public, the Legislature, alumni, and most importantly, the victims. According to Detective West, the UM General Counsel has been conducting an internal investigation since then (citing AGC Attorney Winiarski's investigative activities, for example, in his report). And when the Board of Regents was advised about the investigation (perhaps as early as the summer of 2018) Ambassador Weiser had personal knowledge verifying the accusations were valid and true that I am sure he shared with other Board members, knowledge the Board kept secret for 19 months. Plaintiffs are now 20 months behind your client on discovery; it is only fair, in the context of this litigation, that Plaintiffs be allowed limited discovery at this time. Otherwise, we are operating blindly and in a vacuum.

We will grant the additional 60-day extension, subject to a productive, transparent meeting in April, and subject to your client's agreement to limited discovery: the depositions of Tom Easthope and Detective West. Not to be redundant, but this would greatly assist us in settling the case(s).

When we met with Mr. Lynch on March 4, 2020, he said, UM's goal was to handle this matter better than MSU is handling Nassar cases. MSU's current strategy is to aggressively pursue summary judgment of pending cases and claims, many of which are valid and timely filed under applicable statutes of limitations, while stonewalling all discovery attempts. UM has an opportunity to treat its student-athletes better by avoiding motions for summary judgment and allowing Plaintiffs limited discovery in order to balance out current inequities of information so that *both* parties are in a position to discuss the possibility of settlement, which both you and Mr. Lynch indicated was UM's goal.

Thanks, Mike

THE MIKE COX LAW FIRM PLLC

Michael A. Cox
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17430 Laurel Park Drive North, Suite 120 E
Livonia, MI 48154
mc@mikecoxlaw.com
Office: 734-591-4002
Facsimile: 734 591-4006

From: Bush, Cheryl <Bush@bsplaw.com>
Sent: Thursday, March 19, 2020 7:42 AM
To: Michael Cox <mc@mikecoxlaw.com>
Cc: David Shea <david.shea@sadplaw.com>; Jackie Cook <jcook@mikecoxlaw.com>; Douglas, Stephanie <douglas@bsplaw.com>; Linkous, Derek <linkous@bsplaw.com>; Carone, Andrea <Carone@bsplaw.com>; Miller, Julie <miller@bsplaw.com>
Subject: RE: [EXTERNAL] Our tentative thoughts on your proposal

Michael and David,

Let me start over on my request for an extension of time to respond to your complaints.

As you know, my client agreed to accept service of your complaints. Responses to the first wave are due April 3.

During this time of pandemic and as a professional courtesy, may my client have an additional 60 days to respond to your complaints?

Please let me know today.

Stay safe,

Cheryl

From: Michael Cox <mc@mikecoxlaw.com>
Sent: Wednesday, March 18, 2020 4:52 PM
To: Bush, Cheryl <Bush@bsplaw.com>
Cc: David Shea <david.shea@sadplaw.com>; Jackie Cook <jcook@mikecoxlaw.com>; Michael Cox <mc@mikecoxlaw.com>
Subject: RE: [EXTERNAL] Our tentative thoughts on your proposal

Please pardon my poor wordsmithing. Point made and taken.

Thanks, Mike

THE MIKE COX LAW FIRM PLLC

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From: Bush, Cheryl <Bush@bsplaw.com>
Sent: Wednesday, March 18, 2020 4:34 PM
To: Michael Cox <mc@mikecoxlaw.com>
Cc: David Shea <david.shea@sadplaw.com>; Jackie Cook <jcook@mikecoxlaw.com>
Subject: RE: [EXTERNAL] Our tentative thoughts on your proposal

I will discuss your email with my client.

However, in our discussion, I used the word "response" to your complaint, not "answer."

From: Michael Cox <mc@mikecoxlaw.com>
Sent: Wednesday, March 18, 2020 4:24 PM
To: Bush, Cheryl <Bush@bsplaw.com>
Cc: David Shea <david.shea@sadplaw.com>; Jackie Cook <jcook@mikecoxlaw.com>; Michael Cox <mc@mikecoxlaw.com>
Subject: [EXTERNAL] Our tentative thoughts on your proposal

Cheryl:

Thanks for the call this afternoon. We thought it was helpful.

We understand your need to get up to speed and the need for added time before answering any of our complaints, etc.

Here is where we are tentatively:

1) **30 days, plus 60 days, as a minimum**: We think tying an answer date to a yet-to-be-determined scheduling or calendar conference date is too uncertain. So we would like propose the following: a) We (our firms and/or all the firms, depending on you/UM) meet with you and UM within 30 or so days, sometime before or by Friday, April 24th. The point of the meeting would be to see where things are, or more specifically, where UM is. It would also give you time to get up to speed. According to Parker Sinar, the Denver lawyer, he and Tim Lynch have already been talking about a mid-April meeting, so I expect this time frame works. Then based on how that meeting goes, we could discuss and decide answering our complaints by June 24th or some later date.
2) **Limited discovery/FOIA**: In conjunction with that, we would like some limited discovery. If it is more palatable, the discovery could be called FOIA requests where UM decides not to use the "in litigation" exemption. We believe some limited discovery now can assist us in making more informed decisions earlier, which I expect would also ultimately expedite the process.

Let us know your thoughts. If these make sense, we can flesh out an agreement and I think we can also resolve the lesser issue of the state claims as well.

Thanks, Mike

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mc@mikecoxlaw.com
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Facsimile: 734 591-4006

EXHIBIT 7

Michael Cox

From: Bush, Cheryl <Bush@bsplaw.com>
Sent: Thursday, March 26, 2020 1:32 PM
To: Michael Cox
Cc: David Shea; Jackie Cook; Douglas, Stephanie; Linkous, Derek; Carone, Andrea; Miller, Julie
Subject: RE: Cheryl: are you available for a quick call?

Michael thanks for talking just now.

I want to make sure we are on the same page. You explained that even before the litigation started, some of your clients had difficulty using University links to obtain medical records. Anticipating issues, you have not attempted to use the Link below to obtain medical records. Instead, you ask that you provide us with releases, and that the University compile the medical records or verifications that records no longer exist and provide that information to your team. I expressed my concerns about whether that was feasible given the coronavirus and shut-downs, and you said you would be willing to hold this process until after the coronavirus wave.

As I said on our call, I will speak with my client about your request.

I then asked whether, given the coronavirus, you would give the us an additional 30 days to respond to the Complaints. At first you said "no," that your request not to handle the medical records request via the Link was a reasonable request and unrelated to the deadlines. I explained that my request was not a quid pro quo, and that my request is based on the coronavirus and its impact on my firm and people, and that I will still speak with my client about your preferred method of obtaining information. You agreed to speak with Mr. Shea and some of your clients about the extension.

I asked that you let me know tomorrow.

I think I got this accurately. Please let me know if I did not.

Best,

Cheryl

From: Bush, Cheryl
Sent: Thursday, March 26, 2020 12:47 PM
To: Michael Cox <mc@mikecoxlaw.com>
Cc: David Shea <david.shea@sadplaw.com>; Jackie Cook <jcook@mikecoxlaw.com>; Douglas, Stephanie <douglas@bsplaw.com>; Linkous, Derek <linkous@bsplaw.com>; Carone, Andrea <Carone@bsplaw.com>; Miller, Julie <miller@bsplaw.com>
Subject: RE: Cheryl: are you available for a quick call?

248 709 1683

From: Michael Cox <mc@mikecoxlaw.com>
Sent: Thursday, March 26, 2020 12:46 PM
To: Bush, Cheryl <Bush@bsplaw.com>
Cc: David Shea <david.shea@sadplaw.com>; Jackie Cook <jcook@mikecoxlaw.com>; Douglas, Stephanie

EXHIBIT 8

Jackie Cook

From: Michael Cox
Sent: Friday, March 27, 2020 7:07 PM
To: Bush, Cheryl
Cc: David Shea; Jackie Cook; Douglas, Stephanie; Linkous, Derek; Carone, Andrea; Miller, Julie; Michael Cox
Subject: 1) One medical point of contact; 2) Your request for an additional 30 days to respond to our complaints

Dear Cheryl:

1) One medical point of contact: Thanks for assisting with creating a rationale approach to processing our 35 or so current medical releases. We have already have signed releases based on a generic form that we have used in other litigation, but if UM requires something different, we can use a different form.

2) Request for additional time beyond May 3rd: Last week, in the spirit of comity and collegiality, we agreed to extend the time for UM to file an answer or response to our complaints from April 3rd to May 3rd. It is my understanding from your prior emails that UM has no interest in answering our complaints, but rather, its strategy is to file a motion for judgment on the pleadings or some other motion based on a defense under Rule 12. As we see it, such a response is not fact-dependent and thus can be researched, prepared, and filed remotely based on our currently filed complaints. Thus there is not, at least that I can see presently, any reason for you to do any of the normal fact investigation that might accompany answering a complaint in accordance with Rule 8(b). So I view any further time extension as a needless delay of what UM appears to want to do anyway - seek dismissal of our clients' meritorious complaints.

   If I am mistaken, and UM instead needs more time to properly conduct further fact investigation to meet its obligations under Rule 8(b), then an extension of 30 more days *is* appropriate. If that is the case, then we will agree to an additional 30 days if UM will waive (a) any motions or defenses arguably permissible under Rule 12 and (b) further waive any other motion(s) to dismiss, or otherwise impair or challenge our complaints until discovery is concluded as ordered in Judge Borman's eventual scheduling order, and so commit UM to prospectively only move for dismissal under Rule 56, based on "no genuine dispute as to any material fact" after the Plaintiffs have had a full opportunity to pursue all discovery permissible under the federal rules.

   If that is the case, please let me know and we will draft the appropriate written agreement and waiver to send to you on Monday.

Thanks, Mike

THE MIKE COX LAW FIRM PLLC

Michael A. Cox
The Mike Cox Law Firm, PLLC
17430 Laurel Park Drive North, Suite 120 E
Livonia, MI 48154

EXHIBIT 9

Jackie Cook

From: Jackie Cook
Sent: Thursday, April 2, 2020 3:39 PM
To: Linkous, Derek
Cc: Bush, Cheryl; Douglas, Stephanie; Michael Cox; David Shea
Subject: RE: Doe MC: Motion to Consolidate
Attachments: Draft 20.04.02 Stip Order re consolidation.docx

Dear Derek:

I was able to talk to Mike and Dave, and so I am able to respond earlier than I initially thought.

Now that I/we have had an opportunity to look and think about your proposed motion, I can say that we think consolidation in front of Judge Borman and the filing of a long-form consolidated complaint are both great ideas and we agree to those wholeheartedly.

You did not send a proposed order, so for clarity sake, I am going over your (a) through (h) points in your conclusion:

(a) We agree with you that under Rule 42(a) it is appropriate to consolidate all the listed cases with the initial case in front of Judge Borman. As an aside, we expect to file another two or so cases today and we agree those should be consolidated with the first case in front of Judge Borman;
(b) We agree with the master docket and master file remaining with Judge Borman and the first case;
(c) We agree with the caption being what is currently filed with Judge Borman in Case No. 2:20-cv-10568-PDB-EAS. In footnote 1, you suggest that the UM is not a proper defendant; if you can provide us with the appropriate law on that point, we may be able to agree on your proposed caption before we file our long-form consolidated complaint on or before April 6, 2020;
(d) As stated above, we agree to file a master long-from complaint with common, cross-complaint allegations, but we do not need 30 days. We will file that on or by April 6, 2020 and serve UM on that date.

We do not see the need or efficacy for sections (e) through (h). Rule 12(a) already provides that a defendant must answer within 21 days, so that date would ordinarily be April 28, 2020, but we would agree in the below motion/stipulated order to give you an extra week until Monday, May 4, 2020. This would be an extra day over your current deadline to answer Judge Borman's first case (the case you propose to use as the master case here), Case No. 2:20-cv-10568-PDB-EAS, ***where by agreement of the parties***, UM is required to answer the complaint or file a response date of May 3, 2020.

As you may recall, just last Thursday Ms. Bush asked for additional time beyond UM's original date of April 3, 2020 (tomorrow) to answer or file a response. And on Friday we gave UM an additional 30 days until May 3, 2020.

Finally, Rule 16 already leaves it to the trial court to decide when and if to have a status conference. And in the sequence of the federal rules, this rule, Rule 16, is sequentially after pleading rules addressing filing of complaints, answering complaints or filing dispositive motions under Rule 12, precisely because there is little or no reason to have a conference until both sides have stated their relative positions by complaint and answer with affirmative defenses, or the defense moves for summary disposition under Rule 12.

Ms. Bush emphatically told us by telephone and email on March 18, 2020 that UM does not intend to file "answer" but rather a "response". (The quotes are from Ms. Bush's email). So any reference to a "status conference" as proposed in

your subparagraph (3) is patently a delay tactic. The irony is that one of the purposes of a Rule 16 pretrial conference is "discouraging wasteful pretrial activities." Fed Rule Civ Pro Rule (a) (3).

From Ms. Bush's first call with Mr. Cox where she requested a conference date in the fall of 2020, UM's strategy has been focused on delay. We cannot agree to further delay, especially because once your Rule 12 motion(s) are disposed of, we need to get into discovery and preserve testimony as many of the key witnesses here are retired UM employees, and many are in their 80s or older.

So we do agree with the stated goals of your motion – to consolidate in front of Judge Borman and file a long-form complaint for judicial economy – but we cannot agree with the unstated and primary goal of delay.

So we suggest a stipulated order to address your stated goals of consolidation and filing a long form complaint roughly as follows below (subject to some minor wordsmithing if you agree with us on the substantive points)

ORDER TO CONSOLIDATE CASES

This matter is before the Court upon the stipulation of the parties and Court being duly advised in the premises:

IT IS HEREBY ORDERED that:

a. Under Federal Rule of Civil Procedure 42(a), the following cases are consolidated for all pretrial purposes with *John Doe MC-1 v. University of Michigan and the Regents of the University of Michigan*, No. 20-CV-10568 (E.D. Mich.):

- *Doe MC-2 v. Univ. of Michigan et al.,* No. 20-CV-10578 (E.D. Mich., filed March 5, 2020)
- *Doe MC-3 v. Univ. of Michigan et al.,* No. 20-CV-10579 (E.D. Mich., filed March 5, 2020)
- *Doe MC-4 v. Univ. of Michigan et al.,* No. 20-CV-10582 (E.D. Mich., filed March 5, 2020)
- *Doe MC-5 v. Univ. of Michigan et al*., No. 20-CV-10621 (E.D. Mich., filed March 8, 2020)
- *Doe MC-6 v. Univ. of Michigan et al.,* No. 20-CV-10593 (E.D. Mich., filed March 5, 2020)
- *Doe MC-7 v. Univ. of Michigan et al*., No. 20-CV-10580 (E.D. Mich., filed March 5, 2020)
- *Doe MC-8 v. Univ. of Michigan et al.,* No. 20-CV-10640 (E.D. Mich., filed March 9, 2020)
- *Doe MC-9 v. Univ. of Michigan et al.,* No. 20-CV-10641 (E.D. Mich., filed March 9, 2020)

- *Doe MC-10 v. Univ. of Michigan et al.,* No. 20-CV-10617 (E.D. Mich., filed March 6, 2020)
- *Doe MC-11 v. Univ. of Michigan et al.,* No. 20-CV-10596 (E.D. Mich., filed March 5, 2020)
- *Doe MC-12 v. Univ. of Michigan et al*., No. 20-CV-10595 (E.D. Mich., filed March 5, 2020)
- *Doe MC-13 v. Univ. of Michigan et al*., No. 20-CV-10614 (E.D. Mich., filed March 6, 2020)
- *Doe MC-14 v. Univ. of Michigan et al*., No. 20-CV-10618 (E.D. Mich., filed March 6, 2020)
- *Doe MC-15 v. Univ. of Michigan et al.,* No. 20-CV-10631 (E.D. Mich., filed March 9, 2020)
- *Doe MC-16 v. Univ. of Michigan et al.,* No. 20-CV-10622 (E.D. Mich., filed March 8, 2020)
- *Doe MC-17 v. Univ. of Michigan et al*., No. 20-CV-10664 (E.D. Mich., filed March 11, 2020)
- *Doe MC-18 v. Univ. of Michigan et al.,* No. 20-CV- 10715 (E.D. Mich., filed March 17, 2020)
- *Doe MC-19 v. Univ. of Michigan et al*., No. 20-CV-10679 (E.D. Mich., filed March 12, 2020)
- *Doe MC-20 v. Univ. of Michigan et al*., No. 20-CV-10693 (E.D. Mich., filed March 13, 2020)
- *Doe MC-21 v. Univ. of Michigan et al*., No. 20-CV- 10731 (E.D. Mich., filed March 18, 2020)
- *Doe MC-22 v. Univ. of Michigan et al*., No. 20-CV- 10732 (E.D. Mich., filed March 18, 2020)
- *Doe MC-23 v. Univ. of Michigan et al*., No. 20-CV- 10772 (E.D. Mich., filed March 23, 2020)
- *Doe MC-24 v. Univ. of Michigan et al*., No. 20-CV-10771 (E.D. Mich., filed March 23, 2020)
- *Doe MC-25 v. Univ. of Michigan et al*., No. 20-CV-10759 (E.D. Mich., filed March 21, 2020)
- *Doe MC-26 v. Univ. of Michigan et al.,* No. 20-CV-10828 (E.D. Mich., filed March 31, 2020)
- *Doe MC-27 v. Univ. of Michigan et al*., No. 20-CV-10785 (E.D. Mich., filed March 26, 2020)
- *Doe MC-28 v. Univ. of Michigan et al*., No. 20-CV-10779 (E.D. Mich., filed March 25, 2020)
- *Doe MC-29 v. Univ. of Michigan et al*., No. 20-CV-10832 (E.D. Mich., filed March 31, 2020)

- *Doe MC-31 v. Univ. of Michigan et al.,* No. 20-CV-10832 (E.D. Mich., filed March 30, 2020)
- *Doe MC-32 v. Univ. of Michigan et al.,* No. 20-CV-10823 (E.D. Mich., filed March 30, 2020)

b. The Master Docket and Master File for the Consolidated Action shall remain Civil Action No. 20-CV-10568.

c. The caption for the Consolidated Action shall become:

JOHN DOE MC-1 *et al* v. THE UNIVERSITY OF MICHIGAN, THE REGENTS OF THE UNIVERSITY OF MICHIGAN (official capacity only)	No. 2:20-cv-10568-PDB-EAS

d. The Doe MC plaintiffs shall file a Master Long-Form Complaint with the common, cross-plaintiff allegations on or by April 6, 2020;

e. The Defendant(s) shall answer the Master Long-Form Complaint on or by May 4, 2020, or file any appropriate motion by that same date;

IT IS SO ORDERED.

Dated:_____

_____
The Honorable Judge Paul D. Borman
United States District Judge

Jackie J. Cook

THE MIKE COX LAW FIRM, PLLC
17430 Laurel Park Drive North, Suite 120 E
Livonia, MI 48154
Email: jcook@mikecoxlaw.com
Office: 734-591-4002
Bio: http://mikecoxlaw.com/attorneys/jackie-cook/

From: Linkous, Derek <linkous@bsplaw.com>
Sent: Thursday, April 2, 2020 11:18 AM
To: Jackie Cook <jcook@mikecoxlaw.com>
Cc: Bush, Cheryl <Bush@bsplaw.com>; Douglas, Stephanie <douglas@bsplaw.com>
Subject: Doe MC: Motion to Consolidate

Jackie–

I appreciate you discussing today. As I noted, we are hoping to get this on file today and would appreciate your feedback by 3:30pm today. Happy to discuss live if useful.

Thanks,
Derek

Derek J. Linkous
Partner | Bush Seyferth PLLC
100 West Big Beaver Road, Suite 400
Troy, MI 48084
Tel/Fax: 248.822.7831 | Cell: 248.730.2375
V-card | Email | www.bsplaw.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

JOHN DOE MC-1,

Plaintiff,

vs.

THE UNIVERSITY OF MICHIGAN, THE REGENTS OF THE UNIVERSITY OF MICHIGAN (official capacity only),

Jointly and Severally,

Defendants.

Case No. 20-cv-10568

Hon. Paul D. Borman

STIPULATION FOR ENTRY ORDER TO CONSOLIDATE CASES

The parties, through their respective counsel, stipulate to the entry of the attached Order.

Michael A. Cox (P43039)
Jackie J. Cook (P68781)
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248.822.7800
bush@bsplaw.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

JOHN DOE MC-1,

Plaintiff,

vs.

THE UNIVERSITY OF MICHIGAN, THE REGENTS OF THE UNIVERSITY OF MICHIGAN (official capacity only),

Jointly and Severally,

Defendants.

Case No. 20-cv-1056

Hon. Paul D. Borman

ORDER TO CONSOLIDATE CASES

This matter is before the Court upon the stipulation of the parties and Court being duly advised in the premises:

IT IS HEREBY ORDERED that:

a. Under Federal Rule of Civil Procedure 42(a), the following cases are consolidated for all pretrial purposes with *John Doe MC-1 v. University of Michigan and the Regents of the University of Michigan*, No. 20-CV-10568 (E.D. Mich.):

- *Doe MC-2 v. Univ. of Michigan et al.,* No. 20-CV-10578 (E.D. Mich., filed March 5, 2020)
- *Doe MC-3 v. Univ. of Michigan et al.,* No. 20-CV-10579 (E.D. Mich., filed March 5, 2020)

- *Doe MC-4 v. Univ. of Michigan et al.,* No. 20-CV-10582 (E.D. Mich., filed March 5, 2020)
- *Doe MC-5 v. Univ. of Michigan et al.*, No. 20-CV-10621 (E.D. Mich., filed March 8, 2020)
- *Doe MC-6 v. Univ. of Michigan et al.,* No. 20-CV-10593 (E.D. Mich., filed March 5, 2020)
- *Doe MC-7 v. Univ. of Michigan et al.*, No. 20-CV-10580 (E.D. Mich., filed March 5, 2020)
- *Doe MC-8 v. Univ. of Michigan et al.,* No. 20-CV-10640 (E.D. Mich., filed March 9, 2020)
- *Doe MC-9 v. Univ. of Michigan et al.,* No. 20-CV-10641 (E.D. Mich., filed March 9, 2020)
- *Doe MC-10 v. Univ. of Michigan et al.,* No. 20-CV-10617 (E.D. Mich., filed March 6, 2020)
- *Doe MC-11 v. Univ. of Michigan et al.,* No. 20-CV-10596 (E.D. Mich., filed March 5, 2020)
- *Doe MC-12 v. Univ. of Michigan et al.*, No. 20-CV-10595 (E.D. Mich., filed March 5, 2020)
- *Doe MC-13 v. Univ. of Michigan et al.*, No. 20-CV-10614 (E.D. Mich., filed March 6, 2020)

- *Doe MC-14 v. Univ. of Michigan et al*., No. 20-CV-10618 (E.D. Mich., filed March 6, 2020)
- *Doe MC-15 v. Univ. of Michigan et al.,* No. 20-CV-10631 (E.D. Mich., filed March 9, 2020)
- *Doe MC-16 v. Univ. of Michigan et al.,* No. 20-CV-10622 (E.D. Mich., filed March 8, 2020)
- *Doe MC-17 v. Univ. of Michigan et al*., No. 20-CV-10664 (E.D. Mich., filed March 11, 2020)
- *Doe MC-18 v. Univ. of Michigan et al.,* No. 20-CV- 10715 (E.D. Mich., filed March 17, 2020)
- *Doe MC-19 v. Univ. of Michigan et al*., No. 20-CV-10679 (E.D. Mich., filed March 12, 2020)
- *Doe MC-20 v. Univ. of Michigan et al*., No. 20-CV-10693 (E.D. Mich., filed March 13, 2020)
- *Doe MC-21 v. Univ. of Michigan et al*., No. 20-CV- 10731 (E.D. Mich., filed March 18, 2020)
- *Doe MC-22 v. Univ. of Michigan et al*., No. 20-CV- 10732 (E.D. Mich., filed March 18, 2020)
- *Doe MC-23 v. Univ. of Michigan et al*., No. 20-CV- 10772 (E.D. Mich., filed March 23, 2020)

- *Doe MC-24 v. Univ. of Michigan et al.*, No. 20-CV-10771 (E.D. Mich., filed March 23, 2020)
- *Doe MC-25 v. Univ. of Michigan et al.*, No. 20-CV-10759 (E.D. Mich., filed March 21, 2020)
- *Doe MC-26 v. Univ. of Michigan et al.,* No. 20-CV-10828 (E.D. Mich., filed March 31, 2020)
- *Doe MC-27 v. Univ. of Michigan et al.*, No. 20-CV-10785 (E.D. Mich., filed March 26, 2020)
- *Doe MC-28 v. Univ. of Michigan et al.*, No. 20-CV-10779 (E.D. Mich., filed March 25, 2020)
- *Doe MC-29 v. Univ. of Michigan et al.*, No. 20-CV-10832 (E.D. Mich., filed March 31, 2020)
- *Doe MC-31 v. Univ. of Michigan et al.,* No. 20-CV-10832 (E.D. Mich., filed March 30, 2020)
- *Doe MC-32 v. Univ. of Michigan et al.,* No. 20-CV-10823 (E.D. Mich., filed March 30, 2020)

b. The Master Docket and Master File for the Consolidated Action shall remain Civil Action No. 20-CV-10568.

c. The caption for the Consolidated Action shall become:

JOHN DOE MC-1 *et al* v. THE UNIVERSITY OF MICHIGAN, THE REGENTS OF THE UNIVERSITY OF MICHIGAN (official capacity only)	No. 2:20-cv-10568-PDB-EAS

d. The Doe MC plaintiffs shall file a Master Long-Form Complaint with the common, cross-plaintiff allegations on or by April 6, 2020;

e. The Defendant(s) shall answer the Master Long-Form Complaint on or by May 4, 20120, or file any appropriate motion by that same date;

IT IS SO ORDERED.

Dated: _____

_____
The Honorable Judge Paul D. Borman
United States District Judge

EXHIBIT 10

STATE OF MICHIGAN
IN THE 6TH CIRCUIT (OAKLAND) JUDICIAL DISTRICT COURT

UNIVERSITY OF MICHIGAN, a Mi Corporation,

Plaintiff,

vs.

 06- -GC

EBAKUWA U. ESSIEN, an Ind.,

Defendant(s)

_____/

STILLMAN LAW OFFICE
By: MICHAEL R. STILLMAN (P42765)
7091 Orchard Lake Road, Suite 270
West Bloomfield, MI 48322
(248) 851-6000

_____/

COMPLAINT

NOW COMES Plaintiff, UNIVERSITY OF MICHIGAN, by and through its attorney, MICHAEL R. STILLMAN, and for its

Complaint against Defendant(s), states as follows:

1. That the Defendant(s) herein is indebted to the Plaintiff pursuant to contract or promissory note, and Defendant(s) accepted same.

2. Plaintiff has completed performance and Defendant(s) agreed to pay the account, copy attached.

3. There is presently due and owing, over and above all legal counter claims, the principal sum of $37,071.20.

4. Plaintiff requests judgment for $37,071.20 plus interest pursuant to contract of $190.90 for a total of **$37,262.10**, plus interest costs and attorney fees.

I declare the statements above are true to the best of my information, knowledge and belief.

Respectfully submitted,

By: S Stillman P44018
Michael R. Stillman (P42765)

Dated: March 8, 2006

STILLMAN LAW OFFICE 7091 ORCHARD LAKE ROAD, SUITE 270, WEST BLOOMFIELD, MICHIGAN 48322-3651 PHONE (248) 851-6000 FAX (248) 851-6029

GENERAL REVENUE CORPORATION

ORIGINAL

LEGAL AUTHORIZATION WORKSHEET

General Revenue Corporation
11501 Northlake Dr.
Cincinnati, Ohio 45249
513-469-1472

DATE: 12/09/2005 1 OF 6

U OF MICHIGAN
3003 S STATE STR (INST)
6061 WOLVERINE TOWER
ANN ARBOR MI 48109-1287

FROM: Legal Services
APPROVED: _____

THE DEBTOR LISTED BELOW HAS REPEATEDLY FAILED TO COMPLY WITH OUR ATTEMPTS TO RECOVER THE AMOUNT REFERRED FOR COLLECTION ON A VOLUNTARY BASIS. AS A RESULT, WE HEREBY REQUEST YOUR AUTHORIZATION TO REFER THIS ACCOUNT TO THE ATTORNEY LISTED BELOW TO FILE SUIT AND OBTAIN A COURT JUDGMENT ON YOUR BEHALF.

DEBTOR INFORMATION

NAME: EBAKUWA U ESSIEN
Z1466 OXFORD AVE APT Z01C
FARMINGTON HILLS MI 48336-6176

PHONE: 248-478-2036
ACCOUNT TYPE: INSTITUTIONAL LOAN
EDP NUMBER: 01050592916
ACCOUNT NUMBER: Z188Z2125M3001E
AMOUNT LAST PAID: 54.27 ON 11/21/2005
SOC. SEC. NO.: DOB: 05/12/1965

AMOUNT REFERRED FOR SERVICE
PRINCIPAL:
INTEREST:
LATE CHARGES:
INTERNAL COST:
COLL. COST:
AMT. TO SUE:

EMPLOYMENT / ASSET INFORMATION

VERIFIED: 12/2005
FITNESS 19
1920 BURNWOOD RD.
BALTIMORE MD 21239

TITLE:
TIME ON JOB: YEARS
MONTHLY SALARY: $0
WORK PHONE: 248-615-1919 EXT:

BANK: STANDARD FED BANK ACCOUNT #: 5200973211 VER: 00/0000

COSIGNOR INFORMATION

NAME:

PHONE: 000-000-0000

00000

COSIGNOR EMPLOYMENT

VERIFIED: 00/0000

TITLE:
TIME ON JOB: YEARS
MONTHLY SALARY: $0
WORK PHONE: 000-000-0000 EXT:

00000

ATTORNEY TO BE USED: MICHAEL STILLMAN

COURT COST REQUIRED: $.00

COMMENTS: BORROWER REFUSES TO PAY VOLUNTARILY. PLEASE AUTHORIZE.

FEE SCHEDULE: A TOTAL CONTINGENCY FEE OF 40.00 % WILL BE CHARGED FOR ALL MONIES COLLECTED (PER THE CONDITIONS SET FORTH IN THE CONTRACT). OUT OF THE TOTAL CONTINGENCY FEE, THE ATTORNEY YOU HAVE CHOSEN WILL BE PAID A CONTINGENCY FEE OF 20.00 % OF ALL MONIES COLLECTED (PER THE CONDITIONS SET FORTH IN THE CONTRACT) WITH THE REMAINDER OF THE TOTAL CONTINGENCY BEING PAID TO GRC FOR THE ASSET LOCATION AND ANY SUBSEQUENT SKIP TRACING, PAYMENT HANDLING AND FOR RECEIPTS RENDERED. COURT COST AND ADVANCED FEES WILL BE ADDED TO THE JUDGMENT AND RETURNED TO THE INSTITUTION WITHOUT DEDUCTION OF CONTINGENCY FEE FOR RECOVERY.

TO BE COMPLETED BY CLIENT
(PLEASE USE INK OR TYPE AND PRESS HARD)

PLEASE RETURN (WHICHEVER IS CHECKED) ONE OF THE FOLLOWING:

☐ ORIGINAL PROMISSORY NOTE
☐ CERTIFIED—TRUE COPY OF PROMISSORY NOTE.
☐ CERTIFIED—TRUE COPY OF OPEN ACCOUNT CHARGES-CREDITS.
☐ ORIGINAL INVOICE, CONTRACT OR CHECK CLAIM IS BASED ON.

AMOUNT TO BE LITIGATED

$ 6224.00 PRINCIPAL—BALANCE OUTSTANDING
$ 5819.66 INTEREST ACCRUED
$ _____ LATE CHARGES UNPAID
$ 6079.11 COLLECTION COSTS
$ 20104.77 TOTAL AMOUNT DUE

EXHIBIT 11

reassigned

U.S. District Court
Eastern District of Michigan (Detroit)
CIVIL DOCKET FOR CASE #: 2:18-cv-13321-AJT-EAS

Lipian v. University of Michigan et al
Assigned to: District Judge Arthur J. Tarnow
Referred to: Magistrate Judge Elizabeth A. Stafford
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 10/24/2018
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Andrew Lipian

represented by **Elizabeth Ann Marzotto Taylor**
Deborah Gordon Law
33 Bloomfield Hills Parway
Suite 220
Bloomfield Hills, MI 48304
248- 258-2500
Email: emarzottotaylor@deborahgordonlaw.com
ATTORNEY TO BE NOTICED

Deborah L. Gordon
Deborah L. Gordon Assoc.
33 Bloomfield Hills Parkway
Suite 220
Bloomfield Hills, MI 48304
248-258-2500
Email: dgordon@deborahgordonlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

University of Michigan

represented by **Jessica B. Pask**
Miller, Canfield, Paddock and Stone PLC
150 W. Jefferson Ave
Suite 2500
Detroit, MI 48226
313-963-6420
Fax: 313-496-8453
Email: pask@millercanfield.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian M. Schwartz
Miller, Canfield,
150 W. Jefferson Avenue
Suite 2500
Detroit, MI 48226-4415
313-496-7551
Fax: 313-496-8451
Email: schwartzb@millercanfield.com
ATTORNEY TO BE NOTICED

Gregory M. Krause
Miller, Canfield, Paddock and Stone PLC
150 W. Jefferson Ave.
Suite 2500
Detroit, MI 48226
313-963-6420
Fax: 313-496-8452
Email: krause@millercanfield.com
TERMINATED: 08/23/2019
ATTORNEY TO BE NOTICED

Muhammad Misbah Shahid
Miller Canfield Paddock & Stone
150 W. Jefferson
Suite 2500
Detroit, MI 48226
313-496-7909
Email: shahid@millercanfield.com
TERMINATED: 10/31/2019
ATTORNEY TO BE NOTICED

Defendant

David Daniels
TERMINATED: 03/22/2019

represented by **Brian M. Schwartz**
(See above for address)
ATTORNEY TO BE NOTICED

Francyne B. Stacey
Hooper Hathaway, P.C.
126 South Main Street
Ann Arbor, MI 48104
734-662-4426
Fax: 734-662-6098
Email: francyne@staceylawpractice.com
ATTORNEY TO BE NOTICED

Defendant

Jeffery Frumkin
TERMINATED: 04/09/2020

represented by **Brian M. Schwartz**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Elizabeth Seney
TERMINATED: 04/09/2020

represented by **Brian M. Schwartz**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Pamela Heatlie
TERMINATED: 04/09/2020

represented by **Brian M. Schwartz**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Melody Racine
TERMINATED: 04/09/2020

represented by **Brian M. Schwartz**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Martin Philbert
TERMINATED: 04/09/2020

represented by **Brian M. Schwartz**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Martha Pollack
TERMINATED: 04/09/2020

represented by **Brian M. Schwartz**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Steven West
TERMINATED: 04/09/2020

represented by **Brian M. Schwartz**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Aaron Dworkin
TERMINATED: 04/09/2020

represented by **Brian M. Schwartz**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Mark Schlissel
TERMINATED: 04/09/2020

represented by **Brian M. Schwartz**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Christopher Kendall
TERMINATED: 04/09/2020

represented by **Brian M. Schwartz**
(See above for address)
ATTORNEY TO BE NOTICED

Interested Party

William Scott Walters

represented by **John A. Shea**
120 N. Fourth Avenue
Ann Arbor, MI 48104
734-995-4646
Fax: 734-995-2910
Email: jashea@earthlink.net
ATTORNEY TO BE NOTICED

Counter Claimant

David Daniels

represented by **Francyne B. Stacey**

TERMINATED: 02/21/2019

(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

Andrew Lipian
TERMINATED: 02/21/2019

represented by **Deborah L. Gordon**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/24/2018	1	COMPLAINT *AND DEMAND FOR JURY TRIAL* filed by Andrew Lipian against All Defendants with Jury Demand. Plaintiff requests summons issued. Receipt No: 0645-6960642 - Fee: $ 400. County of 1st Plaintiff: Out of State - County Where Action Arose: Washtenaw - County of 1st Defendant: Washtenaw. [Previously dismissed case: No] [Possible companion case(s): None] (Gordon, Deborah) (Entered: 10/24/2018)
10/25/2018		A United States Magistrate Judge of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form is available for download at http://www.mied.uscourts.gov (LGra) (Entered: 10/25/2018)
10/25/2018	2	SUMMONS Issued for *David Daniels* (LGra) (Entered: 10/25/2018)
10/25/2018	3	SUMMONS Issued for *University of Michigan* (LGra) (Entered: 10/25/2018)
10/26/2018	4	CERTIFICATE of Service/Summons Returned Executed. David Daniels served on 10/25/2018, answer due 11/15/2018. (Gordon, Deborah) (Entered: 10/26/2018)
10/29/2018	5	ORDER of RECUSAL and REASSIGNING CASE from Magistrate Judge Anthony P. Patti to Magistrate Judge Mona K. Majzoub. Signed by Magistrate Judge Anthony P. Patti. (NAhm) (Entered: 10/29/2018)
10/31/2018	6	AMENDED COMPLAINT with Jury Demand filed by Andrew Lipian against All Defendants. NO NEW PARTIES ADDED. (Gordon, Deborah) (Entered: 10/31/2018)
11/02/2018	7	CERTIFICATE of Service/Summons Returned Executed. University of Michigan served on 11/1/2018, answer due 11/26/2018. (Gordon, Deborah) (Entered: 11/02/2018)
11/05/2018	8	NOTICE of Appearance by Brian M. Schwartz on behalf of University of Michigan. (Schwartz, Brian) (Entered: 11/05/2018)
11/07/2018	9	CERTIFICATE of Service/Summons Returned Executed. David Daniels served on 11/6/2018, answer due 11/27/2018. (Gordon, Deborah) (Entered: 11/07/2018)
11/16/2018	10	NOTICE of Appearance by Francyne B. Stacey on behalf of David Daniels. (Stacey, Francyne) (Entered: 11/16/2018)
11/20/2018	11	STIPULATED ORDER Extending Time for Defendant Daniels to File Response to 6 Amended Complaint. **Response due by 12/7/2018**. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 11/20/2018)
11/20/2018	12	STIPULATED ORDER Extending Time for Defendant University of Michigan to File Response to 6 Amended Complaint. **Response due by 12/3/2018**. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 11/20/2018)
11/30/2018	13	STIPULATED ORDER Extending Time for Response by Defendant David Daniels to 6 Amended Complaint. **Response due by 12/14/2018**. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 11/30/2018)
12/04/2018	14	SECOND STIPULATED ORDER Extending Time for University of Michigan to File Response to 6 Amended Complaint. **Response due by 12/6/2018**. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/04/2018)
12/06/2018	15	MOTION to Dismiss *Plaintiff's First Amended Complaint* by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. Unpublished Case Law) (Schwartz, Brian) (Entered: 12/06/2018)
12/14/2018	16	ANSWER to Amended Complaint with Affirmative Defenses with Jury Demand by David Daniels. (Stacey, Francyne) (Entered: 12/14/2018)
12/14/2018	17	COUNTERCLAIM filed by David Daniels against Andrew Lipian (Stacey, Francyne) (Entered: 12/14/2018)
12/20/2018	18	MOTION for Extension of Time to File Response/Reply as to 15 MOTION to Dismiss *Plaintiff's First Amended Complaint* by All Plaintiffs. (Gordon, Deborah) (Entered: 12/20/2018)
01/04/2019	19	MOTION to Dismiss *Defendant David Daniels' Counterclaim Pursuant to Fed. R. Civ. P. 12(b)(6)* by Andrew Lipian. (Attachments: # 1 Exhibit 1 - Complaint, # 2 Exhibit 2 - Amended Complaint) (Gordon, Deborah) (Entered: 01/04/2019)
01/10/2019	20	NOTICE TO APPEAR: **Scheduling/Settlement Conference set for 1/23/2019 03:00 PM before District Judge Arthur J. Tarnow**. (MLan) (Entered: 01/10/2019)
01/10/2019	21	MOTION to Stay *Discovery Pending Resolution of University's Motion to Dismiss Plaintiff's First Amended Complaint* by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13, # 15 Exhibit 14) (Schwartz, Brian) (Entered: 01/10/2019)
01/11/2019	22	RESPONSE to 15 MOTION to Dismiss *Plaintiff's First Amended Complaint* filed by Andrew Lipian. (Attachments: # 1 Exhibit 1 - Standard Practice Guide, # 2 Exhibit 2 - Rice, University Student Allegation, # 3 Exhibit 3 - October 2018, OIE Email) (Gordon, Deborah) (Entered: 01/11/2019)
01/11/2019	23	STIPULATED ORDER Dismissing Plaintiff's ELCRA Claim (Count 2) without Prejudice. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 01/11/2019)

01/23/2019		Minute Entry for proceedings before District Judge Arthur J. Tarnow: Scheduling Conference held on 1/23/2019. (MLan) (Entered: 01/23/2019)
01/23/2019	24	SCHEDULING ORDER: **Witnesses to be exchanged by 3/22/2019, Discovery Motions to be filed by 5/24/2019, Discovery due by 6/28/2019**, **Dispositive Motion Cut-off set for 7/22/2019**, **Joint Final Pretrial Order due 11/6/2019, Final Pretrial Conference set for 11/13/2019 02:30 PM before District Judge Arthur J. Tarnow**. Signed by District Judge Arthur J. Tarnow. (Refer to image for additional dates) (MLan) (Entered: 01/23/2019)
01/24/2019	25	STIPULATION *to Extend Date to Respond to Motion to Dismiss Counterclaim* by David Daniels (Attachments: # 1 Exhibit A) (Stacey, Francyne) (Entered: 01/24/2019)
01/25/2019	26	Ex Parte MOTION for Leave to File Excess Pages by University of Michigan. (Schwartz, Brian) (Entered: 01/25/2019)
01/25/2019	27	REPLY to Response re 15 MOTION to Dismiss *Plaintiff's First Amended Complaint* filed by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. Unpublished Case Law) (Schwartz, Brian) (Entered: 01/25/2019)
01/25/2019	28	STIPULATD ORDER Extending Time for Response to 19 Motion to Dismiss. **Response due by 2/8/2019**. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 01/25/2019)
01/29/2019	29	NOTICE of Appearance by Gregory M. Krause on behalf of University of Michigan. (Krause, Gregory) (Entered: 01/29/2019)
02/04/2019	30	NOTICE TO APPEAR BY TELEPHONE: **Status Conference set for 2/7/2019 02:00 PM before District Judge Arthur J. Tarnow**. Counsel to provide telephone numbers to mike_lang@mied.uscourts.gov prior to the conference. (MLan) (Entered: 02/04/2019)
02/07/2019	31	MOTION to Dismiss *Based on Lack of Jurisdiction* by David Daniels. (Attachments: # 1 Exhibit A) (Stacey, Francyne) (Entered: 02/07/2019)
02/07/2019		Minute Entry for proceedings before District Judge Arthur J. Tarnow: Telephonic Status Conference held on 2/7/2019. (MLan) (Entered: 02/07/2019)
02/07/2019	32	MOTION to Compel by Andrew Lipian. (Attachments: # 1 Exhibit Ex A First Discovery and Deposition Notices, # 2 Exhibit Ex B Discovery Correspondence, # 3 Exhibit Ex C Jan 29 2019 Deposition Notices) (Gordon, Deborah) (Entered: 02/07/2019)
02/08/2019	33	MOTION to Compel by All Plaintiffs. (Attachments: # 1 Exhibit A - First Discovery & Dep Notices, # 2 Exhibit B - Discovery Correspondence, # 3 Exhibit C - Jan. 29, 2019 Dep Notices) (Gordon, Deborah) (Entered: 02/08/2019)
02/08/2019		TEXT-ONLY ORDER terminating 32 MOTION to Compel filed by Andrew Lipian. 33 Motion to Compel replaces 32 Motion. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 02/08/2019)
02/11/2019	34	MOTION for Protective Order *TO PRECLUDE THE TAKING OF PLAINTIFFS UNILATERALLY NOTICED DEPOSITIONS* by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. UMPD Emails, # 3 Exhibit 2. October 30, 3018 email: E. Seney to A. Lipian, # 4 Exhibit 3. October 31, 2018 email: A. Lipian to E. Seney, # 5 Exhibit 4. November 13, 2018 email: D. Gordon to E. Seney, # 6 Exhibit 5. November 5, 2018 email: E. Seney to A. Lipian, # 7 Exhibit 6. November 14, 2018 email: E. Seney to A. Lipian, # 8 Exhibit 7. November 14, 2018 email: E. Seney to D. Gordon, # 9 Exhibit 8. December 6, 2018 email: E. Seney to A. Lipian, # 10 Exhibit 9. Post-Status Conference Email Chain, # 11 Exhibit 10. Notice of Taking Deposition of Elizabeth Seney, # 12 Exhibit 11. Notice of Taking Duces Tecum Deposition of David Daniels, # 13 Exhibit 12. Second Notice of Taking Deposition of Elizabeth Seney, # 14 Exhibit 13. First Notice of Taking Depositions, # 15 Exhibit 14. February 4, 2019 email: Brian Schwartz to D. Gordon and E. Marzotto Taylor, # 16 Exhibit 15. Sobol v. McCann Erickson Transcript Excerpt) (Schwartz, Brian) (Entered: 02/11/2019)
02/15/2019	35	ORDER REFERRING MOTIONS to Magistrate Judge Mona K. Majzoub: 33 MOTION to Compel filed by Andrew Lipian, 34 MOTION for Protective Order *TO PRECLUDE THE TAKING OF PLAINTIFFS UNILATERALLY NOTICED DEPOSITIONS* filed by University of Michigan. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 02/15/2019)
02/15/2019		TEXT-ONLY ORDER granting 26 Ex Parte MOTION for Leave to File Excess Pages filed by University of Michigan. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 02/15/2019)
02/18/2019	36	STIPULATION *to Dismiss Without Prejudice Count II and Related Filings* by David Daniels (Attachments: # 1 Exhibit A) (Stacey, Francyne) (Entered: 02/18/2019)
02/19/2019	37	Notice of Determination of Motion Without Oral Argument re 33 MOTION to Compel , 34 MOTION for Protective Order *TO PRECLUDE THE TAKING OF PLAINTIFFS UNILATERALLY NOTICED DEPOSITIONS* (LHos) (Entered: 02/19/2019)
02/21/2019	38	ANSWER to Amended Complaint with Affirmative Defenses *Special and Other Defenses* by University of Michigan. (Schwartz, Brian) (Entered: 02/21/2019)
02/21/2019	39	ORDER granting 36 Stipulation to Dismiss Without Prejudice Count II of Plaintiff's Complaint Against Defendant Daniels and Any Related Filings. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 02/21/2019)
02/22/2019	40	RESPONSE to 33 MOTION to Compel *Defendant to Engage in Discovery* filed by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. UMPD Emails, # 3 Exhibit 2. October 30, 3018 email: E. Seney to A. Lipian, # 4 Exhibit 3. October 31, 2018 email: A. Lipian to E. Seney, # 5 Exhibit 4. November 13, 2018 email: D. Gordon to E. Seney, # 6 Exhibit 5. November 5, 2018 email: E. Seney to A. Lipian, # 7 Exhibit 6. November 14, 2018 email: E. Seney to A. Lipian, # 8 Exhibit 7. November 14, 2018 email: E. Seney to D. Gordon, # 9 Exhibit 8. December 6, 2018 email: E. Seney to A. Lipian, # 10 Exhibit 9. Post-Status Conference Email Chain, # 11 Exhibit 10. Notice of Taking Deposition of Elizabeth Seney, # 12 Exhibit 11. Notice of Taking Duces Tecum Deposition of David Daniels, # 13 Exhibit 12. Second Notice of Taking Deposition of Elizabeth Seney, # 14 Exhibit 13. First Notice of Taking Depositions, # 15 Exhibit 14. February 4, 2019 email: Brian Schwartz to D. Gordon and E. Marzotto Taylor, # 16 Exhibit 15. Plaintiffs Document Requests, # 17 Exhibit 16. U of Ms Objections to Plaintiffs Requests for Production, # 18 Exhibit 17. Cover Letter and Responses to Plaintiffs Requests for Production, # 19 Exhibit 18. U of Ms First Discovery Requests, # 20 Exhibit 19. February 10, 2019 email: B. Schwartz to E. Marzotto Taylor and D. Gordon, # 21 Exhibit 20. Sobol v. McCann Erickson Transcript Excerpt) (Schwartz, Brian) (Entered: 02/22/2019)
02/25/2019	41	RESPONSE to 34 MOTION for Protective Order *TO PRECLUDE THE TAKING OF PLAINTIFFS UNILATERALLY NOTICED DEPOSITIONS* filed by All Plaintiffs. (Attachments: # 1 Exhibit A - Scheduling correspondence) (Gordon, Deborah) (Entered: 02/25/2019)
03/01/2019	42	REPLY to Response re 33 MOTION to Compel filed by Andrew Lipian. (Gordon, Deborah) (Entered: 03/01/2019)

03/04/2019	43	REPLY to Response re 34 MOTION for Protective Order *TO PRECLUDE THE TAKING OF PLAINTIFFS UNILATERALLY NOTICED DEPOSITIONS* filed by University of Michigan. (Attachments: # 1 Exhibit 1. February 28, 2019 email: E. Marzotto Taylor to B. Schwartz) (Schwartz, Brian) (Entered: 03/04/2019)
03/21/2019	44	MOTION to Compel by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. Daniels Discovery Requests, # 3 Exhibit 2. Daniels Subpoena, # 4 Exhibit 3. Daniels Subpoena Response, # 5 Exhibit 4. 1/31/19 letter, # 6 Exhibit 5. Walters Subpoena, # 7 Exhibit 6. 2/26/19 email, # 8 Exhibit 7. Walters Subpoena Response, # 9 Exhibit 8. 3/13/19 letter, # 10 Exhibit 9. 3/20/19 letter) (Schwartz, Brian) (Entered: 03/21/2019)
03/21/2019	45	ORDER REFERRING MOTION to Magistrate Judge Mona K. Majzoub: 44 MOTION to Compel filed by University of Michigan. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 03/21/2019)
03/22/2019	46	STIPULATION *to Extend Date to Respond to Motion to Compel* by David Daniels (Attachments: # 1 Exhibit A) (Stacey, Francyne) (Entered: 03/22/2019)
03/22/2019	47	ORDER granting 18 Motion for Extension of Time to Respond; finding as moot 19 Motion to Dismiss; finding as moot 31 Motion to Dismiss. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 03/22/2019)
03/22/2019	48	NOTICE OF HEARING on 15 MOTION to Dismiss Plaintiff's First Amended Complaint. **Motion Hearing set for 4/30/2019 11:00 AM before District Judge Arthur J. Tarnow**. (MLan) (Entered: 03/22/2019)
03/22/2019	49	Notice of Determination of Motion Without Oral Argument re 44 MOTION to Compel (LHos) (Entered: 03/22/2019)
03/22/2019	50	WITNESS LIST by University of Michigan (Schwartz, Brian) (Entered: 03/22/2019)
03/22/2019		David Daniels terminated. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 03/22/2019)
03/22/2019	51	*Preliminary* WITNESS LIST by Andrew Lipian (Gordon, Deborah) (Entered: 03/22/2019)
03/25/2019	52	ORDER Granting 46 Stipulation filed by David Daniels. Set Motion Deadline as to 44 MOTION to Compel: **Response due by 4/10/2019** - Signed by Magistrate Judge Mona K. Majzoub. (LHos) (Entered: 03/25/2019)
03/25/2019	53	MOTION to Compel *Defendant's Responses to Plaintiff's First Set of Requests to Produce Documents* by Andrew Lipian. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A - Pl's Disc Requests to Def, # 3 Exhibit B - Def's Responses to Pl's Disc Requests, # 4 Exhibit C - Pl's 2/25/19 Email, # 5 Exhibit D - Def's 2/25/19 Email, # 6 Exhibit E - Samples of Def's Redactions, # 7 Exhibit F - Interim Policy) (Gordon, Deborah) (Entered: 03/25/2019)
03/26/2019	54	Emergency MOTION for Protective Order by Andrew Lipian. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A - Plaintiff's Responses to Defendant's First Discovery, # 3 Exhibit B - Confidential Material filed in traditional manner, # 4 Exhibit C - Correspondence re Confidentiality, # 5 Exhibit D - Proposed Protective Order) (Gordon, Deborah) (Entered: 03/26/2019)
03/27/2019	55	ORDER REFERRING MOTIONS to Magistrate Judge Mona K. Majzoub: 53 MOTION to Compel *Defendant's Responses to Plaintiff's First Set of Requests to Produce Documents* filed by Andrew Lipian, 54 Emergency MOTION for Protective Order filed by Andrew Lipian. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 03/27/2019)
03/29/2019	56	Notice of Determination of Motion Without Oral Argument re 53 MOTION to Compel *Defendant's Responses to Plaintiff's First Set of Requests to Produce Documents*, and 54 Emergency MOTION for Protective Order (LHos) (Entered: 03/29/2019)
04/01/2019	57	Second MOTION *FOR A PROTECTIVE ORDER TO PRECLUDE THE TAKING OF PLAINTIFFS MOST RECENT UNILATERALLY SCHEDULED DEPOSITIONS* by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. Plaintiffs Second Notice of Taking Depositions, # 3 Exhibit 2. Plaintiffs First Notice of Taking Depositions, # 4 Exhibit 3. 03/27/2019 email: E. Marzotto-Taylor to B. Schwartz, # 5 Exhibit 4. 03/27/2019 email: L. Sheridan to M. Thompson, # 6 Exhibit 5. Emails Seeking Dates for Plaintiffs Deposition, # 7 Exhibit 6. 03/28/2019 email: B. Schwartz to E. Marzotto -Taylor, D. Gordon, # 8 Exhibit 7. 03/29/2019 email: B. Schwartz to D. Gordon, E. Marzotto-Taylor) (Schwartz, Brian) (Entered: 04/01/2019)
04/01/2019	58	ORDER REFERRING MOTION to Magistrate Judge Mona K. Majzoub: 57 Second MOTION *FOR A PROTECTIVE ORDER TO PRECLUDE THE TAKING OF PLAINTIFFS MOST RECENT UNILATERALLY SCHEDULED DEPOSITIONS* filed by University of Michigan. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 04/01/2019)
04/03/2019	59	Notice of Determination of Motion Without Oral Argument re 57 Second MOTION *FOR A PROTECTIVE ORDER TO PRECLUDE THE TAKING OF PLAINTIFFS MOST RECENT UNILATERALLY SCHEDULED DEPOSITIONS* (LHos) (Entered: 04/03/2019)
04/05/2019	60	RESPONSE to 54 Emergency MOTION for Protective Order filed by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. UMPD Emails, # 3 Exhibit 2. October 30, 3018 email: E. Seney to A. Lipian, # 4 Exhibit 3. October 31, 2018 email: A. Lipian to E. Seney, # 5 Exhibit 4. November 13, 2018 email: D. Gordon to E. Seney, # 6 Exhibit 5. November 5, 2018 email: E. Seney to A. Lipian, # 7 Exhibit 6. November 14, 2018 email: E. Seney to A. Lipian, # 8 Exhibit 7. November 14, 2018 email: E. Seney to D. Gordon, # 9 Exhibit 8. December 6, 2018 email: E. Seney to A. Lipian, # 10 Exhibit 9. Defendant University of Michigans First Set of Document Requests to Plaintiff Andrew Lipian, # 11 Exhibit 10. Plaintiffs Answers to Defendant University of Michigans First Set of Document Requests to Plaintiff Andrew Lipian, # 12 Exhibit 11. March 25, 2019 email: B. Schwartz to E. Marzotto-Taylor, # 13 Exhibit 12. March 25, 2019 email: D. Gordon to B. Schwartz, # 14 Exhibit 13. March 25, 2019 email: B. Schwartz to D. Gordon) (Schwartz, Brian) (Entered: 04/05/2019)
04/08/2019	61	RESPONSE to 53 MOTION to Compel *Defendant's Responses to Plaintiff's First Set of Requests to Produce Documents* filed by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. Plaintiffs First Set of Requests for Production of Documents to Defendants, # 3 Exhibit 2. Defendant University of Michigans Objections to Plaintiffs First Set of Requests for Production of Documents, # 4 Exhibit 3. Defendant University of Michigans First Supplemental Responses and Objections to Plaintiffs First Set of Requests for Production of Documents, # 5 Exhibit 4. Defendant University of Michigans Second Supplemental Responses and Objections to Plaintiffs First Set of Requests for Production of Documents, # 6 Exhibit 5. 08/24/18 Police Report, # 7 Exhibit 6. March 26, 2019 email: D. Gordon to B. Schwartz, # 8 Exhibit 7. Lipian Letter of Support, # 9 Exhibit 8. Examples of Redacted Pages, # 10 Exhibit 9. February 26, 2019 email: B. Schwartz to E. Marzotto-Taylor, # 11 Exhibit 10. Plaintiffs Answers to Defendant University of Michigans First Set of Document Requests to Plaintiff Andrew Lipian) (Schwartz, Brian) (Entered: 04/08/2019)
04/10/2019	62	RESPONSE to 44 MOTION to Compel filed by David Daniels. (Attachments: # 1 Index of Exhibits Index, # 2 Exhibit Email, # 3 Exhibit Daniels' Response and Objections to Subpoena, # 4 Exhibit Walters' Objections to Subpoena) (Stacey, Francyne) (Entered: 04/10/2019)

04/12/2019	63	MOTION to Compel *Production of Documents* by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. Defendant University of Michigans First Set of Document Requests to Plaintiff Andrew Lipian, # 3 Exhibit 2.February 10, 2019 email: B. Schwartz to L. Sheridan, # 4 Exhibit 3.February 28, 2019 email: E. Marzotto-Taylor to B. Schwartz, # 5 Exhibit 4. March 5, 2019 email: B. Schwartz to D. Gordon, # 6 Exhibit 5.March 15, 2019 email: B. Schwartz to D. Gordon, # 7 Exhibit 6.March 18, 2019 email: E. Marzotto-Taylor to B. Schwartz, # 8 Exhibit 7.Plaintiffs Answers to Defendant University of Michigans First Set of Document Requests to Plaintiff Andrew Lipian, # 9 Exhibit 8.March 29, 2019 letter: B. Schwartz to D. Gordon and E. Marzotto-Taylor, # 10 Exhibit 9.Plaintiffs improperly redacted emails, # 11 Exhibit 11.UMPD Emails) (Schwartz, Brian) (Entered: 04/12/2019)
04/12/2019	64	SEALED EXHIBIT *10* re 63 MOTION to Compel *Production of Documents* by University of Michigan. (Schwartz, Brian) (Entered: 04/12/2019)
04/12/2019	65	MOTION to Seal 63 MOTION to Compel *Production of Documents Exhibit 10* by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1.Defendant University of Michigans First Set of Document Requests to Plaintiff Andrew Lipian, # 3 Exhibit 2.Plaintiffs Answers to Defendant University of Michigans First Set of Document Requests to Plaintiff Andrew Lipian, # 4 Exhibit 3.March 22, 2019 email: E. Marzotto-Taylor to B. Schwartz, # 5 Exhibit 4. March 25, 2019 email: B. Schwartz to E. Marzotto-Taylor) (Schwartz, Brian) Modified on 4/12/2019 (DWor). [DOCUMENT ENTITLED "THE UNIVERSITY OF MICHIGAN'S MOTION TO FILE EXHIBIT 10 OF ITS MOTION TO COMPEL PRODUCTION OF DOCUMENTS IN THE TRADITIONAL MANNER"] (Entered: 04/12/2019)
04/15/2019	66	NOTICE OF HEARING on 33 MOTION to Compel, 34 MOTION for Protective Order *TO PRECLUDE THE TAKING OF PLAINTIFFS UNILATERALLY NOTICED DEPOSITIONS*, 44 MOTION to Compel, 53 MOTION to Compel *Defendant's Responses to Plaintiff's First Set of Requests to Produce Documents*, 54 Emergency MOTION for Protective Order, 57 Second MOTION *FOR A PROTECTIVE ORDER TO PRECLUDE THE TAKING OF PLAINTIFFS MOST RECENT UNILATERALLY SCHEDULED DEPOSITIONS*. **Motion Hearing set for 5/14/2019 at 01:30 PM before Magistrate Judge Mona K. Majzoub in Courtroom 602** (LHos) (Entered: 04/15/2019)
04/15/2019	67	MOTION for Extension of Time to File Response/Reply as to 60 Response to Motion,,,, by Andrew Lipian. (Taylor, Elizabeth) (Entered: 04/15/2019)
04/15/2019	68	RESPONSE to 67 MOTION for Extension of Time to File Response/Reply as to 60 Response to Motion,,,, filed by University of Michigan. (Attachments: # 1 Exhibit 1. April 15, 2019 email: E. Marzotto-Taylor to B. Schwartz) (Schwartz, Brian) (Entered: 04/15/2019)
04/15/2019	69	REPLY to Response re 53 MOTION to Compel *Defendant's Responses to Plaintiff's First Set of Requests to Produce Documents* filed by Andrew Lipian. (Gordon, Deborah) (Entered: 04/15/2019)
04/15/2019	70	RESPONSE to 57 Second MOTION *FOR A PROTECTIVE ORDER TO PRECLUDE THE TAKING OF PLAINTIFFS MOST RECENT UNILATERALLY SCHEDULED DEPOSITIONS* filed by Andrew Lipian. (Attachments: # 1 Exhibit A - April Correspondence) (Gordon, Deborah) (Entered: 04/15/2019)
04/16/2019	71	REPLY to Response re 54 Emergency MOTION for Protective Order filed by Andrew Lipian. (Taylor, Elizabeth) (Entered: 04/16/2019)
04/17/2019	72	REPLY to Response re 44 MOTION to Compel filed by University of Michigan. (Schwartz, Brian) (Entered: 04/17/2019)
04/18/2019	73	ORDER REFERRING MOTIONS to Magistrate Judge Mona K. Majzoub: 67 MOTION for Extension of Time filed by Andrew Lipian, 63 MOTION to Compel *Production of Documents* filed by University of Michigan, 65 MOTION to Seal 63 MOTION to Compel *Production of Documents Exhibit 10* filed by University of Michigan. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 04/18/2019)
04/22/2019	74	REPLY to Response re 57 Second MOTION *FOR A PROTECTIVE ORDER TO PRECLUDE THE TAKING OF PLAINTIFFS MOST RECENT UNILATERALLY SCHEDULED DEPOSITIONS* filed by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1.January 25, 2019 emails, # 3 Exhibit 2.April 2, 2019 4:27 P.M. email, # 4 Exhibit 3.April 2, 2019 6:38 P.M. email) (Schwartz, Brian) (Entered: 04/22/2019)
04/23/2019	75	NOTICE of Appearance by Muhammad Misbah Shahid on behalf of University of Michigan. (Shahid, Muhammad) (Entered: 04/23/2019)
04/26/2019	76	RESPONSE to 65 MOTION to Seal 63 MOTION to Compel *Production of Documents Exhibit 10* filed by Andrew Lipian. (Gordon, Deborah) (Entered: 04/26/2019)
04/26/2019	77	RESPONSE to 63 MOTION to Compel *Production of Documents* filed by Andrew Lipian. (Gordon, Deborah) (Entered: 04/26/2019)
04/30/2019		Minute Entry for proceedings before District Judge Arthur J. Tarnow: Motion Hearing held on 4/30/2019 re 15 MOTION to Dismiss *Plaintiff's First Amended Complaint* filed by University of Michigan, 21 MOTION to Stay *Discovery Pending Resolution of University's Motion to Dismiss Plaintiff's First Amended Complaint* filed by University of Michigan. Disposition: Motion to Dismiss held in abeyance, Motion to Stay denied. (Court Reporter: Lawrence Przybysz) (MLan) (Entered: 04/30/2019)
04/30/2019	78	RE-NOTICE OF HEARING on 53 MOTION to Compel *Defendant's Responses to Plaintiff's First Set of Requests to Produce Documents*, 44 MOTION to Compel , 34 MOTION for Protective Order *TO PRECLUDE THE TAKING OF PLAINTIFFS UNILATERALLY NOTICED DEPOSITIONS*, 54 Emergency MOTION for Protective Order , 57 Second MOTION *FOR A PROTECTIVE ORDER TO PRECLUDE THE TAKING OF PLAINTIFFS MOST RECENT UNILATERALLY SCHEDULED DEPOSITIONS*, 33 MOTION to Compel . **Motion Hearing reset to 5/13/2019 at 02:00 PM before Magistrate Judge Mona K. Majzoub in Courtroom 602** (LHos) (Entered: 04/30/2019)
05/01/2019	79	REPLY to Response re 63 MOTION to Compel *Production of Documents* filed by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. 4/26/19 Email and Response) (Schwartz, Brian) (Entered: 05/01/2019)
05/01/2019	80	REPLY to Response re 65 MOTION to Seal 63 MOTION to Compel *Production of Documents Exhibit 10* filed by University of Michigan. (Schwartz, Brian) (Entered: 05/01/2019)
05/01/2019	81	NOTICE OF HEARING on 63 MOTION to Compel *Production of Documents*, 65 MOTION to Seal 63 MOTION to Compel *Production of Documents Exhibit 10*, 67 MOTION for Extension of Time to File Response/Reply as to 60 Response to Motion. **Motion Hearing set for 5/13/2019 at 02:00 PM before Magistrate Judge Mona K. Majzoub in Courtroom 602** (LHos) (Entered: 05/01/2019)
05/01/2019	82	RE-NOTICE OF HEARING on 33 MOTION to Compel, 34 MOTION for Protective Order *TO PRECLUDE THE TAKING OF PLAINTIFFS UNILATERALLY NOTICED DEPOSITIONS*, 44 MOTION to Compel, 53 MOTION to Compel *Defendant's Responses to Plaintiff's First Set of Requests to Produce Documents*, 54 Emergency MOTION for Protective Order, 57 Second MOTION *FOR A PROTECTIVE ORDER TO PRECLUDE THE TAKING OF PLAINTIFFS MOST RECENT UNILATERALLY SCHEDULED*

		DEPOSITIONS, 63 MOTION to Compel *Production of Documents*, 65 MOTION to Seal 63 MOTION to Compel *Production of Documents Exhibit 10*, 67 MOTION for Extension of Time to File Response/Reply as to 60 Response to Motion. **Motion Hearing reset to 5/14/2019 at 10:00 AM before Magistrate Judge Mona K. Majzoub in Courtroom 602** (LHos) (Entered: 05/01/2019)
05/01/2019	83	ORDER denying 21 Motion to Stay. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 05/01/2019)
05/14/2019		Minute Entry for proceedings before Magistrate Judge Mona K. Majzoub: Motion Hearing held on 5/14/2019 re 33 MOTION to Compel filed by Andrew Lipian, 53 MOTION to Compel *Defendant's Responses to Plaintiff's First Set of Requests to Produce Documents* filed by Andrew Lipian, 54 Emergency MOTION for Protective Order filed by Andrew Lipian, 67 MOTION for Extension of Time to File Response/Reply as to 60 Response to Motion,,,, filed by Andrew Lipian, 44 MOTION to Compel filed by University of Michigan, 57 Second MOTION *FOR A PROTECTIVE ORDER TO PRECLUDE THE TAKING OF PLAINTIFFS MOST RECENT UNILATERALLY SCHEDULED DEPOSITIONS* filed by University of Michigan, 63 MOTION to Compel *Production of Documents* filed by University of Michigan, 34 MOTION for Protective Order *TO PRECLUDE THE TAKING OF PLAINTIFFS UNILATERALLY NOTICED DEPOSITIONS* filed by University of Michigan, 65 MOTION to Seal 63 MOTION to Compel *Production of Documents Exhibit 10* filed by University of Michigan Disposition: Order to follow. (Court Reporter: Digitally Recorded) (LHos) (Entered: 05/14/2019)
05/16/2019		TEXT-ONLY ORDER Granting 65 Defendant's Motion to File Exhibit 10 Under Seal - Signed by Magistrate Judge Mona K. Majzoub. (LHos) (Entered: 05/16/2019)
05/16/2019		TEXT-ONLY ORDER Granting 67 Plaintiff's Motion for Extension of Time to File Response/Reply - Signed by Magistrate Judge Mona K. Majzoub. (LHos) (Entered: 05/16/2019)
05/16/2019	84	ORDER REGARDING DISCOVERY MOTIONS 33 34 44 53 54 57 63 - Signed by Magistrate Judge Mona K. Majzoub. (LHos) (Entered: 05/16/2019)
05/21/2019	85	STIPULATED PROTECTIVE ORDER. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 05/21/2019)
05/29/2019	86	AMENDED ORDER REGARDING DISCOVERY MOTIONS 33 34 44 53 54 57 63 - Signed by Magistrate Judge Mona K. Majzoub. (LHos) (Entered: 05/29/2019)
06/05/2019	87	STIPULATED ORDER Extending Scheduling Order Deadlines: **Discovery Motions to be filed by 7/31/2019, Discovery due by 8/30/2019**, **Dispositive Motion Cut-off set for 10/4/2019**, **Joint Final Pretrial Order due 1/9/2020, Final Pretrial Conference set for 1/16/2020 02:30 PM before District Judge Arthur J. Tarnow**. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 06/05/2019)
07/03/2019	88	TRANSCRIPT of Motion Hearing held on 05/14/2019. (Court Reporter/Transcriber: Leann S. Lizza) (Number of Pages: 54) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 7/24/2019. Redacted Transcript Deadline set for 8/5/2019. Release of Transcript Restriction set for 10/1/2019. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber (WWW.TRANSCRIPTORDERS.COM) before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Lizza, L.) (Entered: 07/03/2019)
07/03/2019	89	MOTION to Compel *Defendant's Responses to His First Interrogatories* by Andrew Lipian. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A - Plaintiff's First Interrogatories to Defendant, # 3 Exhibit B - Defendant's Responses to Plaintiff's First Interrogatories, # 4 Exhibit C - Correspondence dated May 30, 2019 from defense, # 5 Exhibit D - UofM Interim Policy) (Gordon, Deborah) (Entered: 07/03/2019)
07/11/2019	90	ORDER REFERRING MOTION to Magistrate Judge Mona K. Majzoub: 89 MOTION to Compel *Defendant's Responses to His First Interrogatories* filed by Andrew Lipian. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 07/11/2019)
07/11/2019	91	Notice of Determination of Motion Without Oral Argument re 89 MOTION to Compel *Defendant's Responses to His First Interrogatories* (SOso) (Entered: 07/11/2019)
07/15/2019	92	MOTION for Protective Order by David Daniels. (Stacey, Francyne) (Entered: 07/15/2019)
07/15/2019	93	MOTION protective order *brief pos* by David Daniels. (Stacey, Francyne) (Entered: 07/15/2019)
07/16/2019	94	RESPONSE to 89 MOTION to Compel *Defendant's Responses to His First Interrogatories* filed by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. Lipian Deposition, pp. 157-158, # 3 Exhibit 2. Defendants Third Supplemental Responses and Objections, # 4 Exhibit 3. Unpublished Cases) (Schwartz, Brian) (Entered: 07/16/2019)
07/18/2019	95	ORDER REFERRING MOTIONS to Magistrate Judge Mona K. Majzoub: 93 MOTION protective order filed by David Daniels, 92 MOTION for Protective Order filed by David Daniels. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 07/18/2019)
07/22/2019	96	RESPONSE to 93 MOTION protective order *brief pos*, 92 MOTION for Protective Order filed by All Plaintiffs. (Attachments: # 1 Exhibit A - Emails) (Gordon, Deborah) (Entered: 07/22/2019)
07/23/2019	97	Ex Parte MOTION for Leave to File Excess Pages by Andrew Lipian. (Gordon, Deborah) (Entered: 07/23/2019)
07/23/2019	98	REPLY to Response re 89 MOTION to Compel *Defendant's Responses to His First Interrogatories* filed by Andrew Lipian. (Attachments: # 1 Exhibit A - Seney Deposition, # 2 Index of Exhibits P - Deposition Notices) (Gordon, Deborah) (Entered: 07/23/2019)
07/24/2019		TEXT-ONLY ORDER Terminating as Duplicative 92 Motion for Protective Order. See 93 Motion for protective order filed with brief - Signed by Magistrate Judge Mona K. Majzoub. (LHos) (Entered: 07/24/2019)
07/25/2019	99	RESPONSE to 93 MOTION protective order *brief pos* filed by All Defendants. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1 - Subpoena and Notice of Taking Depostion - David Daniels, # 3 Exhibit 2 - Excerpts from Andrew Lipian's Deposition, # 4 Exhibit 3 - Unpublished Cases) (Schwartz, Brian) (Entered: 07/25/2019)
07/29/2019	100	MOTION to Compel *the Forensic Examination of David Daniels' Phone* by University of Michigan. (Attachments: # 1 Exhibit. Plaintiff's First Supplemental Responses) (Schwartz, Brian) (Entered: 07/29/2019)
07/29/2019	101	MOTION to Compel *The Forensic Examination of Plaintiff's Phone and to Compel Plaintiff's Answers to Deposition Questions* by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. Lipian Bates No. 1121, # 3 Exhibit 2. Daniels' Text Messages, # 4 Exhibit 3. Lipian Bates Nos. 1449-1458, # 5 Exhibit 4. Deposition Excerpts of Andrew Lipian, # 6 Exhibit 5. 9-24-17 Facebook Messages from A. Lipian, # 7 Exhibit 6. Text Messages, # 8 Exhibit 7. Unpublished Case) (Schwartz, Brian) (Entered: 07/29/2019)

07/30/2019	102	MOTION for Protective Order *Precluding Defendant's Abusive Discovery* by Andrew Lipian. (Attachments: # 1 Exhibit Ex A -- Lipian Dep Excerpts, # 2 Exhibit Ex B -- Walters Subpoena, # 3 Exhibit Ex C -- Def's Third Req to Produce, # 4 Exhibit Ex D -- Primeau Dep Excerpts) (Gordon, Deborah) (Entered: 07/30/2019)
07/31/2019	103	REPLY to Response re 93 MOTION protective order *brief pos* filed by David Daniels. (Stacey, Francyne) (Entered: 07/31/2019)
07/31/2019	104	ORDER REFERRING MOTIONS to Magistrate Judge Mona K. Majzoub: 100 MOTION to Compel *the Forensic Examination of David Daniels' Phone* filed by University of Michigan, 102 MOTION for Protective Order *Precluding Defendant's Abusive Discovery* filed by Andrew Lipian, 101 MOTION to Compel *The Forensic Examination of Plaintiff's Phone and to Compel Plaintiff's Answers to Deposition Questions* filed by University of Michigan. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 07/31/2019)
07/31/2019	105	ORDER REFERRING MOTION to Magistrate Judge Mona K. Majzoub: 97 Ex Parte MOTION for Leave to File Excess Pages filed by Andrew Lipian. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 07/31/2019)
08/08/2019	106	RESPONSE to 100 MOTION to Compel *the Forensic Examination of David Daniels' Phone* filed by David Daniels. (Stacey, Francyne) (Entered: 08/08/2019)
08/09/2019	107	RESPONSE to 101 MOTION to Compel *The Forensic Examination of Plaintiff's Phone and to Compel Plaintiff's Answers to Deposition Questions* filed by Andrew Lipian. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A - UofM 6/26/19 Conf. Investigation Report, # 3 Exhibit B - Seney Dep Excerpt, # 4 Exhibit C- Pillsbury Dep Excerpt, # 5 Exhibit D - SPG Faculty-Student Relationship, # 6 Exhibit E - Thompson Dep Excerpt, # 7 Exhibit F - Rogers Dep Excerpt, # 8 Exhibit G - Email dated 8/5/19, # 9 Exhibit H - Lipian Affidavit, # 10 Exhibit I - Lipian Dep Excerpt) (Gordon, Deborah) (Entered: 08/09/2019)
08/12/2019	108	NOTICE of Appearance by John A. Shea on behalf of William Scott Walters. (Shea, John) (Entered: 08/12/2019)
08/12/2019	109	MOTION for Protective Order *and Brief in Support* by William Scott Walters. (Attachments: # 1 Exhibit Rule 45 subpoena) (Shea, John) (Entered: 08/12/2019)
08/12/2019	110	MOTION for Leave to File *Second Amended Complaint* by Andrew Lipian. (Attachments: # 1 Exhibit A - Second Amended Complaint) (Gordon, Deborah) (Entered: 08/12/2019)
08/13/2019	111	RESPONSE to 102 MOTION for Protective Order *Precluding Defendant's Abusive Discovery* filed by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1.Sample Text Messages, # 3 Exhibit 2.Messages Produced Between Plaintiff and Walters, # 4 Exhibit 3.Andrew Lipian Deposition Excerpts, # 5 Exhibit 4.Camille Primeau Deposition Excerpts, # 6 Exhibit 5.UM Faculty Member Deposition Excerpts, # 7 Exhibit 6.7-30-2019 email from D. Gordon to B. Schwartz, # 8 Exhibit 7. Unpublished Cases) (Schwartz, Brian) (Entered: 08/13/2019)
08/13/2019	112	NOTICE TO APPEAR: **Status Conference set for 8/28/2019 11:00 AM before District Judge Arthur J. Tarnow**. (MLan) (Entered: 08/13/2019)
08/14/2019	113	EXHIBIT - *Corrected Exhibit A* re 110 MOTION for Leave to File *Second Amended Complaint* by Andrew Lipian (Gordon, Deborah) (Entered: 08/14/2019)
08/14/2019	114	*FIRST AMENDED PRELIMINARY* WITNESS LIST by University of Michigan (Schwartz, Brian) (Entered: 08/14/2019)
08/15/2019	115	REPLY to Response re 101 MOTION to Compel *The Forensic Examination of Plaintiff's Phone and to Compel Plaintiff's Answers to Deposition Questions* filed by University of Michigan. (Attachments: # 1 Exhibit 1. Rough Draft Deposition Transcript Excerpt) (Schwartz, Brian) (Entered: 08/15/2019)
08/15/2019	116	REPLY to Response re 100 MOTION to Compel *the Forensic Examination of David Daniels' Phone* filed by University of Michigan. (Attachments: # 1 Exhibit 1. August 8, 2019 Email) (Schwartz, Brian) (Entered: 08/15/2019)
08/20/2019	117	MOTION for Leave to File Excess Pages by Andrew Lipian. (Gordon, Deborah) (Entered: 08/20/2019)
08/20/2019	118	REPLY to Response re 102 MOTION for Protective Order *Precluding Defendant's Abusive Discovery* filed by Andrew Lipian. (Attachments: # 1 Exhibit Ex. A -- Excerpts of Pl Deposition, # 2 Exhibit Ex. B -- Daniels Resp in OIE Investigation) (Gordon, Deborah) (Entered: 08/20/2019)
08/23/2019		TEXT-ONLY ORDER granting 117 MOTION for Leave to File Excess Pages filed by Andrew Lipian. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 08/23/2019)
08/23/2019	119	STIPULATED ORDER of Substitution of Attorney: Attorney Jessica B. Pask for University of Michigan added. Attorney Gregory M. Krause terminated. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 08/23/2019)
08/26/2019	120	RESPONSE to 109 MOTION for Protective Order *and Brief in Support* filed by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. Deposition transcript excerpts of Andrew Lipian, # 3 Exhibit 2. Unpublished Cases) (Schwartz, Brian) (Entered: 08/26/2019)
08/26/2019	121	RESPONSE to 110 MOTION for Leave to File *Second Amended Complaint* filed by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1.8/12/19 Email from D. Gordon to B. Schwartz, # 3 Exhibit 2.Defendants First Supplemental Responses and Objections to Plaintiffs First Set of Requests for Production of Documents, # 4 Exhibit 3.Defendants Second Supplemental Responses and Objections to Plaintiffs First Set of Requests for Production of Documents, # 5 Exhibit 4.Deposition Transcript Excerpts of Andrew Lipian, # 6 Exhibit 5.8/22/19 email from M. Racine to T. Glazier, # 7 Exhibit 6.Deposition Transcript Excerpts of Melody Racine, # 8 Exhibit 7.Deposition Transcript Excerpts of Matthew Thompson, # 9 Exhibit 8.Deposition Transcript Excerpts of Jeffrey Frumpkin, # 10 Exhibit 9.Deposition Transcript Excerpts of Elizabeth Seney, # 11 Exhibit 10.OIE Annual Report on prohibited student conduct, # 12 Exhibit 11.5/7/18 Memo re: David Daniels, # 13 Exhibit 12.Deposition Transcript Excerpts of Pamela Heatlie, # 14 Exhibit 13.5/14/2019-5/20/19 emails between Plaintiffs Counsel and B. Schwartz, # 15 Exhibit 14.5/22/19 email from B. Schwartz to Plaintiffs Counsel, # 16 Exhibit 15. Unpublished Cases`) (Schwartz, Brian) (Entered: 08/26/2019)
08/26/2019	122	RESPONSE to 109 MOTION for Protective Order *and Brief in Support* filed by Andrew Lipian. (Gordon, Deborah) (Entered: 08/26/2019)
08/27/2019		TEXT-ONLY NOTICE: Status Conference on 8/28/2019 is Cancelled. (MLan) (Entered: 08/27/2019)
08/28/2019	123	ORDER REFERRING MOTION to Magistrate Judge Mona K. Majzoub: 109 MOTION for Protective Order filed by William Scott Walters. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 08/28/2019)

08/28/2019	124	NOTICE OF HEARING on 110 MOTION for Leave to File *Second Amended Complaint*. **Motion Hearing set for 9/3/2019 03:30 PM before District Judge Arthur J. Tarnow**. (MLan) (Entered: 08/28/2019)
08/30/2019	125	REPLY to Response re 110 MOTION for Leave to File *Second Amended Complaint* filed by Andrew Lipian. (Attachments: # 1 Exhibit Ex. A -- Racine Deposition, # 2 Exhibit Ex. B -- Second Amended Complaint) (Gordon, Deborah) (Entered: 08/30/2019)
09/02/2019	126	REPLY to Response re 109 MOTION for Protective Order *and Brief in Support* filed by William Scott Walters. (Shea, John) (Entered: 09/02/2019)
09/03/2019	127	Emergency MOTION to Strike 125 Reply to Response to Motion *Exhibit B* by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. Redline Corrected Comparison of Exhibits, # 3 Exhibit 2. Glomski v. Cty. of Oakland, # 4 Exhibit 3. Livonia Diagnostic Ctr., P.C. v. Neurometrix, Inc, # 5 Exhibit 4. 9/3/2019 email) (Schwartz, Brian) (Entered: 09/03/2019)
09/03/2019	128	NOTICE by All Plaintiffs of withdrawal of 110 MOTION for Leave to File *Second Amended Complaint* . (Gordon, Deborah) (Entered: 09/03/2019)
09/03/2019	129	ORDER granting in part and denying in part 127 Defendant's Motion to Strike and Scheduling Briefing for Plaintiff's Motion for Leave to File A Third Amended Complaint. Signed by District Judge Arthur J. Tarnow. (McColley, N) (Entered: 09/03/2019)
09/04/2019	130	MOTION to Amend/Correct *Third Amended Complaint* by All Plaintiffs. (Attachments: # 1 Exhibit A - Proposed Third Amended Complaint) (Gordon, Deborah) (Entered: 09/04/2019)
09/05/2019	131	MOTION for Leave to File *Sur-Reply IN OPPOSITION TO PLAINTIFFS MOTION FOR PROTECTIVE ORDER PRECLUDING DEFENDANTS DISCOVERY* by University of Michigan. (Attachments: # 1 Exhibit 1. Sur-Reply) (Schwartz, Brian) (Entered: 09/05/2019)
09/06/2019		TEXT-ONLY ORDER Granting 97 Motion for Leave to File Excess Pages - Signed by Magistrate Judge Mona K. Majzoub. (LHos) (Entered: 09/06/2019)
09/06/2019	132	ORDER REGARDING DISCOVERY MOTIONS 89 93 100 101 102 109 - Signed by Magistrate Judge Mona K. Majzoub. (LHos) (Entered: 09/06/2019)
09/12/2019	133	Emergency MOTION TO EXTEND re 87 Stipulation and Order,, Set Scheduling Order Deadlines, by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. Email chain from D. Gordon to B. Schwartz, # 3 Exhibit 2. Email chain from J. Shea to B. Schwartz) (Schwartz, Brian) (Entered: 09/12/2019)
09/16/2019	134	MOTION to Seal *Final Office of Institutional Equity Report Regarding Lipian and Daniels* by University of Michigan. (Attachments: # 1 Exhibit) (Schwartz, Brian) (Entered: 09/16/2019)
09/16/2019	135	SEALED EXHIBIT *DEFENDANTS MOTION TO FILE THE FINAL OFFICE OF INSTITUTIONAL EQUITY REPORT REGARDING LIPIAN AND DANIELS UNDER SEAL* re 134 MOTION to Seal *Final Office of Institutional Equity Report Regarding Lipian and Daniels* by University of Michigan. (Schwartz, Brian) (Entered: 09/16/2019)
09/16/2019	136	ORDER REFERRING MOTION to Magistrate Judge Mona K. Majzoub: 134 MOTION to Seal Final Office of Institutional Equity Report Regarding Lipian and Daniels filed by University of Michigan, 133 Emergency MOTION TO EXTEND Scheduling Order Deadlines filed by University of Michigan. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 09/16/2019)
09/17/2019	137	NOTICE OF HEARING on 133 Emergency MOTION TO EXTEND, 134 MOTION to Seal *Final Office of Institutional Equity Report Regarding Lipian and Daniels*. **Motion Hearing set for 9/24/2019 03:30 PM before District Judge Arthur J. Tarnow**. (MLan) (Entered: 09/17/2019)
09/18/2019	138	Ex Parte MOTION for Leave to File Excess Pages *in response to Plaintiff's Motion for Leave to File Third Amended Complaint* by University of Michigan. (Schwartz, Brian) (Entered: 09/18/2019)
09/18/2019	139	RESPONSE to 130 MOTION to Amend/Correct *Third Amended Complaint* filed by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1.UMs First Supplemental Responses to Plaintiffs First Request for Documents, # 3 Exhibit 3.Andrew Lipian Deposition Excerpts, # 4 Exhibit 4.SMTD Emails re: Prof. David Daniels, # 5 Exhibit 5.Melody Racine Deposition Excerpts, # 6 Exhibit 6.Matthew Thompson Deposition Excerpts, # 7 Exhibit 7.UMPD Emails, # 8 Exhibit 8.Jeffrey Frumkin Deposition Excerpts, # 9 Exhibit 9.Pamela Heatlie Deposition Excerpts, # 10 Exhibit 10.Unpublished Cases) (Schwartz, Brian) (Entered: 09/18/2019)
09/18/2019	140	SEALED EXHIBIT *2. Confidential OIE Investigation Report* re 139 Response to Motion,, by University of Michigan. (Schwartz, Brian) (Entered: 09/18/2019)
09/19/2019	141	APPEAL OF MAGISTRATE JUDGE DECISION by David Daniels re 132 Order on Motion to Compel, Order on Motion - Free,,, Order on Motion for Protective Order,. (Stacey, Francyne) (Entered: 09/19/2019)
09/20/2019	142	APPEAL OF MAGISTRATE JUDGE DECISION by William Scott Walters re 132 Order on Motion to Compel, Order on Motion - Free,,, Order on Motion for Protective Order,. (Shea, John) (Entered: 09/20/2019)
09/20/2019	143	APPEAL OF MAGISTRATE JUDGE DECISION by David Daniels re 132 Order on Motion to Compel, Order on Motion - Free,,, Order on Motion for Protective Order,. (Stacey, Francyne) (Entered: 09/20/2019)
09/20/2019	144	MOTION to Stay re 132 Order on Motion to Compel, Order on Motion - Free,,, Order on Motion for Protective Order, by Andrew Lipian. (Attachments: # 1 Index of Exhibits A - Stipulation) (Gordon, Deborah) (Entered: 09/20/2019)
09/20/2019	145	Ex Parte MOTION for Leave to File Excess Pages by Andrew Lipian. (Gordon, Deborah) (Entered: 09/20/2019)
09/20/2019	146	OBJECTION to 132 Order on Motion to Compel, Order on Motion - Free,,, Order on Motion for Protective Order, by Andrew Lipian. (Attachments: # 1 Exhibit A - Lipian Dep Excerpts, # 2 Exhibit B - Affidavit of Elizabeth Marzotto Taylor, # 3 Exhibit C - Stipulation) (Gordon, Deborah) (Entered: 09/20/2019)
09/23/2019	147	Ex Parte MOTION for Leave to File Excess Pages by Andrew Lipian. (Gordon, Deborah) (Entered: 09/23/2019)
09/23/2019	148	REPLY to Response re 130 MOTION to Amend/Correct *Third Amended Complaint* filed by Andrew Lipian. (Gordon, Deborah) (Entered: 09/23/2019)
09/23/2019	149	RESPONSE to 133 Emergency MOTION TO EXTEND re 87 Stipulation and Order,, Set Scheduling Order Deadlines, filed by Andrew

		Lipian. (Gordon, Deborah) (Entered: 09/23/2019)
09/24/2019		Minute Entry for proceedings before District Judge Arthur J. Tarnow: Motion Hearing held on 9/24/2019 re 130 MOTION to Amend/Correct *Third Amended Complaint* filed by Andrew Lipian, 133 Emergency MOTION TO EXTEND filed by University of Michigan. Disposition: Motions granted. (Court Reporter: Lawrence Przybysz) (MLan) (Entered: 09/25/2019)
09/26/2019	150	AMENDED COMPLAINT with Jury Demand filed by Andrew Lipian against University of Michigan, Jeffery Frumkin, Elizabeth Seney, Pamela Heatlie, Melody Racine, Martin Philbert, Martha Pollack, Steven West, Aaron Dworkin, Mark Schlissel, Christopher Kendall. NEW PARTIES ADDED. (Gordon, Deborah) (Entered: 09/26/2019)
09/26/2019		REQUEST for SUMMONS for Aaron Dworkin, Jeffery Frumkin, Pamela Heatlie, Christopher Kendall, Martin Philbert, Martha Pollack, Melody Racine, Mark Schlissel, Elizabeth Seney, Steven West. (Gordon, Deborah) (Entered: 09/26/2019)
09/26/2019	151	SUMMONS Issued for *Aaron Dworkin, Jeffery Frumkin, Pamela Heatlie, Christopher Kendall, Martin Philbert, Martha Pollack, Melody Racine, Mark Schlissel, Elizabeth Seney, Steven West* (SKra) (Entered: 09/26/2019)
09/26/2019	152	ORDER granting 130 Motion to Amend/Correct; granting 131 Motion for Leave to File; granting 133 Motion to Extend ; granting 134 Motion to Seal; granting 138 Motion for Leave to File Excess Pages; granting 144 Motion to Stay; granting 145 Motion for Leave to File Excess Pages; granting 147 Motion for Leave to File Excess Pages; denying as moot 15 Motion to Dismiss. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 09/26/2019)
09/27/2019	153	MOTION for Attorney Fees by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. Declaration of Brian Schwartz, # 3 Exhibit 2. Unpublished Cases) (Schwartz, Brian) (Entered: 09/27/2019)
09/30/2019	154	NOTICE TO APPEAR: **Hearing on Objections set for 10/16/2019 02:00 PM before District Judge Arthur J. Tarnow. Hearing originally set for 10/9/2019 is cancelled.** (MLan) (Entered: 09/30/2019)
10/03/2019	155	SUPPLEMENTAL BRIEF re 141 Appeal of Magistrate Judge Decision filed by University of Michigan. (Schwartz, Brian) (Entered: 10/03/2019)
10/03/2019	156	EXHIBIT *1. Unpublished Cases* re 155 Supplemental Brief by University of Michigan (Schwartz, Brian) (Entered: 10/03/2019)
10/04/2019	157	RESPONSE to 142 Appeal of Magistrate Judge Decision, 143 Appeal of Magistrate Judge Decision by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1.Andrew Lipian deposition excerpts, # 3 Exhibit 2.Sample Text Messages, # 4 Exhibit 3.Redacted Text Messages, # 5 Exhibit 4.Unpublished Case Law) (Schwartz, Brian) (Entered: 10/04/2019)
10/04/2019	158	CERTIFICATE of Service/Summons Returned Executed. Christopher Kendall served on 10/4/2019, answer due 10/25/2019. (Gordon, Deborah) (Entered: 10/04/2019)
10/04/2019	159	CERTIFICATE of Service/Summons Returned Executed. Mark Schlissel served on 10/4/2019, answer due 10/25/2019. (Gordon, Deborah) (Entered: 10/04/2019)
10/04/2019	160	CERTIFICATE of Service/Summons Returned Executed. Aaron Dworkin served on 10/4/2019, answer due 10/25/2019. (Gordon, Deborah) (Entered: 10/04/2019)
10/04/2019	161	CERTIFICATE of Service/Summons Returned Executed. Steven West served on 10/4/2019, answer due 10/25/2019. (Gordon, Deborah) (Entered: 10/04/2019)
10/04/2019	162	CERTIFICATE of Service/Summons Returned Executed. Martha Pollack served on 10/4/2019, answer due 10/25/2019. (Gordon, Deborah) (Entered: 10/04/2019)
10/04/2019	163	CERTIFICATE of Service/Summons Returned Executed. Martin Philbert served on 10/4/2019, answer due 10/25/2019. (Gordon, Deborah) (Entered: 10/04/2019)
10/04/2019	164	CERTIFICATE of Service/Summons Returned Executed. Melody Racine served on 10/4/2019, answer due 10/25/2019. (Gordon, Deborah) (Entered: 10/04/2019)
10/04/2019	165	CERTIFICATE of Service/Summons Returned Executed. Pamela Heatlie served on 10/4/2019, answer due 10/25/2019. (Gordon, Deborah) (Entered: 10/04/2019)
10/04/2019	166	CERTIFICATE of Service/Summons Returned Executed. Elizabeth Seney served on 10/4/2019, answer due 10/25/2019. (Gordon, Deborah) (Entered: 10/04/2019)
10/04/2019	167	CERTIFICATE of Service/Summons Returned Executed. Jeffery Frumkin served on 10/4/2019, answer due 10/25/2019. (Gordon, Deborah) (Entered: 10/04/2019)
10/04/2019	168	Ex Parte MOTION for Leave to File Excess Pages *in Its Response to Plaintiff's Objections to and Request for Stay of Magistrate Judge's Opinion and Order* by University of Michigan. (Schwartz, Brian) (Entered: 10/04/2019)
10/04/2019	169	RESPONSE to 146 Objection, by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1.Sample Messages, # 3 Exhibit 2.Redacted Plaintiff-Walters Texts, # 4 Exhibit 3.Gap in Messages, # 5 Exhibit 4.Daniels Text Messages, # 6 Exhibit, # 7 Exhibit 5.Texts Demonstrating Deletion, # 8 Exhibit 6.Excerpts from Plaintiffs Deposition, # 9 Exhibit 7.Information for Witnesses, # 10 Exhibit 8.Affidavit of Scott Bailey, # 11 Exhibit 9.Declaration of Elizabeth Seney, # 12 Exhibit 10.Unpublished Case Law) (Schwartz, Brian) (Entered: 10/04/2019)
10/10/2019	170	STIPULATED ORDER Extending Time for Response to Third Amended Complaint: **Response due by 10/25/2019**. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 10/10/2019)
10/11/2019	171	Ex Parte MOTION for Leave to File Excess Pages by Andrew Lipian. (Gordon, Deborah) (Entered: 10/11/2019)
10/11/2019	172	REPLY to Response re 144 MOTION to Stay re 132 Order on Motion to Compel, Order on Motion - Free,,, Order on Motion for Protective Order, filed by Andrew Lipian. (Gordon, Deborah) (Entered: 10/11/2019)
10/11/2019	173	RESPONSE to 153 MOTION for Attorney Fees filed by Andrew Lipian. (Attachments: # 1 Exhibit A - Highlighted Dkt 121, # 2 Exhibit B - Highlighted Dkt 139) (Gordon, Deborah) (Entered: 10/11/2019)
10/14/2019	174	REPLY to Response re 144 MOTION to Stay re 132 Order on Motion to Compel, Order on Motion - Free,,, Order on Motion for Protective Order, filed by David Daniels. (Stacey, Francyne) (Entered: 10/14/2019)

10/15/2019		TEXT-ONLY NOTICE: **Objections Hearing ADJOURNED TO 10/17/2019 02:30 PM before District Judge Arthur J. Tarnow**. (MLan) (Entered: 10/15/2019)
10/17/2019	175	RESPONSE to 153 MOTION for Attorney Fees filed by University of Michigan. (Attachments: # 1 Exhibit 1. Email chain) (Schwartz, Brian) (Entered: 10/17/2019)
10/24/2019	176	ORDER Sustaining in Part Plaintiff's and Non-Parties Objections 141 , 142 , 143 , 146 to the Magistrate Judge's 132 Order. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 10/24/2019)
10/24/2019		TEXT-ONLY ORDER granting 171 Ex Parte MOTION for Leave to File Excess Pages filed by Andrew Lipian, 168 Ex Parte MOTION for Leave to File Excess Pages *in Its Response to Plaintiff's Objections to and Request for Stay of Magistrate Judge's Opinion and Order* filed by University of Michigan. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 10/24/2019)
10/25/2019	177	TRANSCRIPT of Motion Hearing held on October 17, 2019. (Court Reporter/Transcriber: Lawrence Przybysz) (Number of Pages: 68) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 11/15/2019. Redacted Transcript Deadline set for 11/25/2019. Release of Transcript Restriction set for 1/23/2020. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Przybysz, L) (Entered: 10/25/2019)
10/25/2019	178	MOTION to Dismiss *COUNTS IV, IV [SIC], V, VI, VI [SIC], VIII OF PLAINTIFFS THIRD AMENDED COMPLAINT* by Aaron Dworkin, Jeffery Frumkin, Pamela Heatlie, Christopher Kendall, Martin Philbert, Martha Pollack, Melody Racine, Mark Schlissel, Elizabeth Seney, Steven West. (Attachments: # 1 Exhibit 1. Unpublished Cases) (Schwartz, Brian) (Entered: 10/25/2019)
10/25/2019	179	ANSWER to Amended Complaint with Affirmative Defenses by University of Michigan. (Schwartz, Brian) (Entered: 10/25/2019)
10/31/2019	180	STIPULATED ORDER of Substitution of Attorney: Attorneys Brian M. Schwartz and Jessica B.K. Pask added for Defendant University of Michigan, Attorney Muhammad Misbah Shahid terminated. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 10/31/2019)
11/07/2019	181	MOTION for Reconsideration re 176 Order by Aaron Dworkin, Jeffery Frumkin, Pamela Heatlie, Christopher Kendall, Martin Philbert, Martha Pollack, Melody Racine, Mark Schlissel, Elizabeth Seney, University of Michigan, Steven West. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. Proposed Stipulated Order for Forensic Examination of Cellphones of Andrew Lipian and David Daniels, # 3 Exhibit 2. Unpublished Cases) (Schwartz, Brian) (Entered: 11/07/2019)
11/07/2019	182	ORDER Striking Paragraph 30 of the Third Amended Complaint. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 11/07/2019)
11/15/2019	183	Ex Parte MOTION for Leave to File Excess Pages by All Plaintiffs. (Gordon, Deborah) (Entered: 11/15/2019)
11/15/2019	184	RESPONSE to 178 MOTION to Dismiss *COUNTS IV, IV [SIC], V, VI, VI [SIC], VIII OF PLAINTIFFS THIRD AMENDED COMPLAINT* filed by Andrew Lipian. (Attachments: # 1 Exhibit A - Alger Order, # 2 Index of Exhibits B - Email chain between Plaintiff and Defendant) (Gordon, Deborah) (Entered: 11/15/2019)
11/22/2019		TEXT-ONLY ORDER granting 183 Ex Parte MOTION for Leave to File Excess Pages filed by Andrew Lipian. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 11/22/2019)
11/27/2019	185	Emergency MOTION TO EXTEND re 152 Order on Motion to Amend/Correct,, Order on Motion for Leave to File,, Order on Motion to Extend,, Order on Motion to Seal,, Order on Motion for Leave to File Excess Pages,, Order on Motion to Stay,,,,,,, Order on Motion to Dismiss, *TO MODIFY SCHEDULING ORDER TO EXTEND DISPOSITIVE MOTION CUTOFF DATE* by Aaron Dworkin, Jeffery Frumkin, Pamela Heatlie, Christopher Kendall, Martin Philbert, Martha Pollack, Melody Racine, Mark Schlissel, Elizabeth Seney, University of Michigan, Steven West. (Attachments: # 1 Exhibit) (Schwartz, Brian) (Entered: 11/27/2019)
11/27/2019	186	EXHIBIT *2* re 185 Emergency MOTION TO EXTEND re 152 Order on Motion to Amend/Correct,, Order on Motion for Leave to File,, Order on Motion to Extend,, Order on Motion to Seal,, Order on Motion for Leave to File Excess Pages,, Order on Motion to Stay,,,,,,, Order on by Aaron Dworkin, Jeffery Frumkin, Pamela Heatlie, Christopher Kendall, Martin Philbert, Martha Pollack, Melody Racine, Mark Schlissel, Elizabeth Seney, University of Michigan, Steven West (Schwartz, Brian) (Entered: 11/27/2019)
11/27/2019	187	REPLY to Response re 178 MOTION to Dismiss *COUNTS IV, IV [SIC], V, VI, VI [SIC], VIII OF PLAINTIFFS THIRD AMENDED COMPLAINT* filed by Aaron Dworkin, Jeffery Frumkin, Pamela Heatlie, Christopher Kendall, Martin Philbert, Martha Pollack, Melody Racine, Mark Schlissel, Elizabeth Seney, Steven West. (Attachments: # 1 Exhibit 1. Unpublished Cases) (Schwartz, Brian) (Entered: 11/27/2019)
11/27/2019	188	ORDER granting 181 Motion for Reconsideration. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 11/27/2019)
11/27/2019	189	ORDER granting 185 Emergency MOTION TO EXTEND filed by Defendants **Dispositive Motion Cut-off EXTENDED TO 12/13/2019**. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 11/27/2019)
12/05/2019	190	MOTION to Compel *Defendants' Responses to Plaintiff's Second Set of Discovery* by Andrew Lipian. (Attachments: # 1 Exhibit A - Plaintiff's 2nd Set of Discovery to Defendants, # 2 Exhibit B - Defs' Resp to 2nd Set of Discovery, # 3 Exhibit C - Correspondence) (Gordon, Deborah) (Entered: 12/05/2019)
12/05/2019	191	MOTION TO EXTEND Period of Fact Discovery and Dispositive Motion Cutoff by Andrew Lipian. (Gordon, Deborah) (Entered: 12/05/2019)
12/05/2019	192	MOTION for Reconsideration re 188 Order on Motion for Reconsideration by Andrew Lipian. (Attachments: # 1 Exhibit A - Text Messages, # 2 Exhibit B - Messages, redacted) (Gordon, Deborah) (Entered: 12/05/2019)
12/05/2019	193	MOTION to Stay re 188 Order on Motion for Reconsideration by Andrew Lipian. (Gordon, Deborah) (Entered: 12/05/2019)
12/06/2019	194	ORDER denying 192 Motion for Reconsideration ; denying 193 Motion to Stay. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/06/2019)
12/06/2019	195	MOTION for Sanctions *and TO COMPEL TESTIMONY OF PLAINTIFF ANDREW LIPIAN* by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1.10-17-19 Hearing Transcript, # 3 Exhibit 2.Andrew Lipian Deposition Excerpts) (Schwartz, Brian) (Entered: 12/06/2019)

12/06/2019	196	MOTION to Compel *TESTIMONY OF DAVID DANIELS AND SCOTT WALTERS* by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1.David Daniels Deposition Excerpts, # 3 Exhibit 2.Scott Walters Deposition Excerpts, # 4 Exhibit 3.Unpublished Cases) (Schwartz, Brian) (Entered: 12/06/2019)
12/10/2019	197	EXHIBIT *CORRECTED* re 196 MOTION to Compel *TESTIMONY OF DAVID DANIELS AND SCOTT WALTERS* by University of Michigan (Attachments: # 1 Exhibit 1. Daniels Deposition Transcript Excerpts, # 2 Exhibit 2. Walters Deposition Transcript Excerpts) (Schwartz, Brian) (Entered: 12/10/2019)
12/10/2019	198	EXHIBIT *CORRECTED* re 195 MOTION for Sanctions *and TO COMPEL TESTIMONY OF PLAINTIFF ANDREW LIPIAN* by University of Michigan (Attachments: # 1 Exhibit 2. Andrew Lipian Deposition Transcript Excerpts) (Schwartz, Brian) (Entered: 12/10/2019)
12/10/2019	199	EXHIBIT *CORRECTED* re 196 MOTION to Compel *TESTIMONY OF DAVID DANIELS AND SCOTT WALTERS* by University of Michigan (Attachments: # 1 Exhibit 1. Daniels Deposition Transcript Excerpts, # 2 Exhibit 2. Walters Deposition Transcript Excerpts) (Schwartz, Brian) (Entered: 12/10/2019)
12/11/2019	200	RESPONSE to 191 MOTION TO EXTEND Period of Fact Discovery and Dispositive Motion Cutoff filed by Aaron Dworkin, Jeffery Frumkin, Pamela Heatlie, Christopher Kendall, Martin Philbert, Martha Pollack, Melody Racine, Mark Schlissel, Elizabeth Seney, University of Michigan, Steven West. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1.9/24/19 Hearing Transcript, # 3 Exhibit 2.Email exchange regarding discovery, # 4 Exhibit 3.10/18/19 Supplemental Discovery Responses, # 5 Exhibit 4.11/1/19 Defendants Supplemental Responses to Discovery, # 6 Exhibit 5.10/17/19 Hearing Transcript, # 7 Exhibit 6.Email exchange regarding depositions, # 8 Exhibit 7.11/25-11/26/19 emails, # 9 8.Unpublished Cases) (Schwartz, Brian) (Entered: 12/11/2019)
12/13/2019	201	ORDER denying 190 Motion to Compel; denying 191 Motion to Extend. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/13/2019)
12/13/2019	202	Ex Parte MOTION for Leave to File Excess Pages by Aaron Dworkin, Jeffery Frumkin, Pamela Heatlie, Christopher Kendall, Martin Philbert, Martha Pollack, Melody Racine, Mark Schlissel, Elizabeth Seney, University of Michigan, Steven West. (Schwartz, Brian) (Entered: 12/13/2019)
12/13/2019	203	MOTION for Summary Judgment by Aaron Dworkin, Jeffery Frumkin, Pamela Heatlie, Christopher Kendall, Martin Philbert, Martha Pollack, Melody Racine, Mark Schlissel, Elizabeth Seney, University of Michigan, Steven West. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1.Excerpts from Plaintiff Andrew Lipians Deposition, # 3 Exhibit 2.Excerpts from Jeffrey Frumkins Deposition, # 4 Exhibit 3.Excerpts from Pamela Heatlies Deposition, # 5 Exhibit 4.Excerpts from Margery Pillsburys Deposition, # 6 Exhibit 5.Excerpts from Melody Racines Deposition, # 7 Exhibit 6.Excerpts from Eugene Rogers Deposition, # 8 Exhibit 7.Excerpts from Elizabeth Seneys Deposition, # 9 Exhibit 8.Excerpts from Matthew Thompsons Deposition, # 10 Exhibit 9.Sexual Harassment Policy, SPG 201.89-0, # 11 Exhibit 10.Resources from SMTD, # 12 Exhibit 11.Resources from University Administration, # 13 Exhibit 12.Daniels-Lipian Text Messages, # 14 Exhibit 13 Lipian-Walters Texts, # 15 Exhibit 14.10/5/16 email [Lipian 315-16], # 16 Exhibit 15.4/9/15 letter, # 17 Exhibit 16.Regents Comm, # 18 Exhibit 17.External Reviews at Hire, # 19 Exhibit 18.Facebook Messages, # 20 Exhibit 19.9/6/17 letter [UM-Lipian 252], # 21 Exhibit 20.Tenure Portfolio Excerpts, # 22 Exhibit 21.Tenure Summary Recommendation Docs, # 23 Exhibit 22.Executive Committee Minutes, # 24 Exhibit 23.2/1/18 letter, # 25 Exhibit 24.5/17/18 letter, # 26 Exhibit 25.3/28/17 email [Lipian 352], # 27 Exhibit 26.MM Records, # 28 Exhibit 27.Psych Records, # 29 Exhibit 28.5/7/18 memo, # 30 Exhibit 29.4/2/18 email [UM-Lipian 3422], # 31 Exhibit 30.7/16/18 email [UM-Lipian 123], # 32 Exhibit 31.Facebook Post, # 33 Exhibit 32.7/16/18 email [UM-Lipian 2372], # 34 Exhibit 33.8/3/18 report, # 35 Exhibit 34.8/22/18 email [UM-Lipian 2340 to 2341], # 36 Exhibit 35.8/22/18 emails, # 37 Exhibit 36.8/24/18 email, # 38 Exhibit 37.12/6/18 email [UM-Lipian 120], # 39 Exhibit 38.UMPD emails, # 40 Exhibit 39.OIE Report [FILED UNDER SEAL], # 41 Exhibit 40.Ds 1st Supp Resp to 2nd Int and Req, No. 10 and Bates Nos. UM-Lipian 5880 to UM-Lipian 5881, # 42 Exhibit 41.10/23/18 email [UM-Lipian 2331 to 2332], # 43 Exhibit 42.10/30/18 email [UM-Lipian 4619], # 44 Exhibit 43.10/31/18 email [UM-Lipian 4615], # 45 Exhibit 44.11/5/18 email [UM-Lipian 4630 to 4631], # 46 Exhibit 45.11/13/18 email [UM-Lipian 4632], # 47 Exhibit 46.11/14/18 email [UM-Lipian 4636], # 48 Exhibit 47.12/6/18 email [UM-Lipian 4645], # 49 Exhibit 48.1/30/19 to 2/25/19 email chain, # 50 Exhibit 49.Protective Order Emails, # 51 Exhibit 50.Kollaritsch v. Michigan State University, Case No. 17-2445/18-1715 (6th Cir. Dec 12, 2019)., # 52 Exhibit 51.Unpublished Cases) (Schwartz, Brian) (Entered: 12/13/2019)
12/13/2019	204	SEALED EXHIBIT *39- OIE Report* re 203 MOTION for Summary Judgment by Aaron Dworkin, Jeffery Frumkin, Pamela Heatlie, Christopher Kendall, Martin Philbert, Martha Pollack, Melody Racine, Mark Schlissel, Elizabeth Seney, University of Michigan, Steven West. (Schwartz, Brian) (Entered: 12/13/2019)
12/13/2019		TEXT-ONLY ORDER granting 202 Ex Parte MOTION for Leave to File Excess Pages filed by Martha Pollack, Mark Schlissel, Melody Racine, University of Michigan, Martin Philbert, Steven West, Elizabeth Seney, Jeffery Frumkin, Aaron Dworkin, Pamela Heatlie, Christopher Kendall. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/13/2019)
12/18/2019	205	MOTION for Reconsideration re 201 Order on Motion to Compel, Order on Motion to Extend by Andrew Lipian. (Gordon, Deborah) (Entered: 12/18/2019)
12/19/2019	206	OBJECTION to 132 Order on Motion to Compel, Order on Motion - Free,,, Order on Motion for Protective Order, 176 Order *[RENEWED OBJECTIONS]* by Andrew Lipian. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A - Witness 1, # 3 Exhibit B - Witness 3, # 4 Exhibit C - Witness 5, # 5 Exhibit D - Witness 8, # 6 Exhibit E - Witness 38, # 7 Exhibit F - Witness 44, # 8 Exhibit G - Witness 12, # 9 Exhibit H - Witness 9, # 10 Exhibit I - Witness 10, # 11 Exhibit J - Witness 15, # 12 Exhibit K - Witness 23, # 13 Exhibit L - Witness 30, # 14 Exhibit M - Witness 13, # 15 Exhibit N - Witness 17, # 16 Exhibit O - Witness 20, # 17 Exhibit P- Witness 32, # 18 Exhibit Q - Witness 26, # 19 Exhibit R - Witness 51, # 20 Exhibit S - Witness 47) (Gordon, Deborah) (Entered: 12/19/2019)
12/19/2019	207	EXHIBIT re 206 Objection,,, by Andrew Lipian (Attachments: # 1 Index of Exhibits, # 2 Exhibit A - Witness 1, # 3 Exhibit B - Witness 3, # 4 Exhibit C - Witness 5, # 5 Exhibit D - Witness 8, # 6 Exhibit E - Witness 38, # 7 Exhibit F- Witness 44, # 8 Exhibit G - Witness 12, # 9 Exhibit H - Witness 9, # 10 Exhibit I - Witness 10, # 11 Exhibit J - Witness 15, # 12 Exhibit K - Witness 23, # 13 Exhibit L - Witness 30, # 14 Exhibit M - Witness 13, # 15 Exhibit N - Witness 17, # 16 Exhibit O - Witness 20, # 17 Exhibit P - Witness 32, # 18 Exhibit Q - Witness 26, # 19 Exhibit R - Witness 51, # 20 Exhibit S - Witness 47) (Gordon, Deborah) (Entered: 12/19/2019)
12/20/2019	208	RESPONSE to 195 MOTION for Sanctions *and TO COMPEL TESTIMONY OF PLAINTIFF ANDREW LIPIAN* filed by Andrew Lipian. (Attachments: # 1 Exhibit A - Chart, # 2 Exhibit B - Lipian Dep.) (Gordon, Deborah)[EXHIBIT B STRICKEN PURSUANT TO 02/05/20 ORDER] Modified on 2/6/2020 (DPer). (Entered: 12/20/2019)
12/20/2019	209	MOTION for Sanctions by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1.11-27-2019 Cover Letter, # 3 Exhibit 2.9/3/19 email, # 4 Exhibit 3. Unpublished Cases, # 5 Exhibit 4.12/16/19 email, # 6 Exhibit 5.12/18/19 letter) (Schwartz, Brian) (Entered: 12/20/2019)

12/20/2019	210	Emergency MOTION to Strike 206 Objection,,, *PLAINTIFFS RENEWED OBJECTIONS TO THE MAGISTRATES ORDER [ECF 132] BASED ON THIS COURTS ORDER OVERRULING PLAINTIFFS OBJECTION WITHOUT PREJUDICE [ECF 176] (DKT#206)* by Aaron Dworkin, Jeffery Frumkin, Pamela Heatlie, Christopher Kendall, Martin Philbert, Martha Pollack, Melody Racine, Mark Schlissel, Elizabeth Seney, University of Michigan, Steven West. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. 10/22/19 email, # 3 Exhibit 2. Unpublished Case) (Schwartz, Brian) (Entered: 12/20/2019)
12/23/2019	211	MOTION to Strike 208 Response to Motion *Exhibit B ECF 208-2* by Andrew Lipian. (Attachments: # 1 Exhibit A - Redacted Ex. B, # 2 Exhibit B - Proposed Order) (Gordon, Deborah) (Entered: 12/23/2019)
12/23/2019	212	EXHIBIT *Corrected Ex. B* re 208 Response to Motion by Andrew Lipian (Gordon, Deborah) (Entered: 12/23/2019)
12/27/2019	213	RESPONSE to 196 MOTION to Compel *TESTIMONY OF DAVID DANIELS AND SCOTT WALTERS* filed by William Scott Walters. (Shea, John) (Entered: 12/27/2019)
12/27/2019	214	ORDER denying 205 Motion for Reconsideration. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/27/2019)
12/27/2019		Text-Only Order of reassignment from Magistrate Judge Mona K. Majzoub to Magistrate Judge Elizabeth A. Stafford. (NAhm) (Entered: 12/27/2019)
12/27/2019	215	ORDER REFERRING MOTIONS to Magistrate Judge Elizabeth A. Stafford: 153 MOTION for Attorney Fees filed by University of Michigan, 196 MOTION to Compel *TESTIMONY OF DAVID DANIELS AND SCOTT WALTERS* filed by University of Michigan, 195 MOTION for Sanctions *and TO COMPEL TESTIMONY OF PLAINTIFF ANDREW LIPIAN* filed by University of Michigan, 209 MOTION for Sanctions filed by University of Michigan. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/27/2019)
12/27/2019	216	STIPULATION AND ORDER as to 196 MOTION to Compel *TESTIMONY OF DAVID DANIELS AND SCOTT WALTERS*, 195 MOTION for Sanctions *and TO COMPEL TESTIMONY OF PLAINTIFF ANDREW LIPIAN*: **Responses due by 12/27/2019**, **Replies due by 1/6/2020**. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/27/2019)
12/27/2019	217	RESPONSE to 196 MOTION to Compel *TESTIMONY OF DAVID DANIELS AND SCOTT WALTERS* filed by David Daniels. (Stacey, Francyne) (Entered: 12/27/2019)
01/02/2020	218	RESPONSE to 206 Objection,,, *RESPONSE TO PLAINTIFFS RENEWED OBJECTIONS TO THE MAGISTRATES ORDER BASED ON THIS COURTS ORDER OVERRULING PLAINTIFFS OBJECTION WITHOUT PREJUDICE [ECF 206]* by Aaron Dworkin, Jeffery Frumkin, Pamela Heatlie, Christopher Kendall, Martin Philbert, Martha Pollack, Melody Racine, Mark Schlissel, Elizabeth Seney, University of Michigan, Steven West. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. Information for Witnesses, # 3 Exhibit 2. Andrew Lipian Dep Excerpts, # 4 Exhibit 3. Elizabeth Seney Dep Excerpts, # 5 Exhibit 4. Unpublished Cases) (Schwartz, Brian) (Entered: 01/02/2020)
01/03/2020	219	Ex Parte MOTION for Leave to File Excess Pages by Andrew Lipian. (Gordon, Deborah) (Entered: 01/03/2020)
01/03/2020	220	RESPONSE to 209 MOTION for Sanctions filed by Andrew Lipian. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A - Email Correspondence, # 3 Exhibit B - Dep Excerpt of Elizabeth Seney, # 4 Exhibit C - UofM's SPG 601.22, # 5 Exhibit D - December 16, 2019 Email, # 6 Exhibit E - Excerpts from ECF 34 and 209) (Gordon, Deborah) (Entered: 01/03/2020)
01/06/2020	221	RESPONSE to 210 Emergency MOTION to Strike 206 Objection,,, *PLAINTIFFS RENEWED OBJECTIONS TO THE MAGISTRATES ORDER [ECF 132] BASED ON THIS COURTS ORDER OVERRULING PLAINTIFFS OBJECTION WITHOUT PREJUDICE [ECF 176] (DKT#206)* filed by Andrew Lipian. (Gordon, Deborah) (Entered: 01/06/2020)
01/06/2020	222	REPLY to Response re 195 MOTION for Sanctions *and TO COMPEL TESTIMONY OF PLAINTIFF ANDREW LIPIAN* filed by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. Text Messages) (Schwartz, Brian) (Entered: 01/06/2020)
01/06/2020	223	REPLY to Response re 196 MOTION to Compel *TESTIMONY OF DAVID DANIELS AND SCOTT WALTERS* filed by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. Unpublished Cases) (Schwartz, Brian) (Entered: 01/06/2020)
01/09/2020		TEXT-ONLY NOTICE: Final Pretrial Conference on 1/16/2020 is Cancelled. New date to be set following determination of pending motions. (MLan) (Entered: 01/09/2020)
01/09/2020	224	Ex Parte MOTION for Leave to File Excess Pages by Andrew Lipian. (Gordon, Deborah) (Entered: 01/09/2020)
01/09/2020	225	REPLY *in Support of His Renewed Objections* by Andrew Lipian. (Gordon, Deborah) (Entered: 01/09/2020)
01/10/2020	226	REPLY to Response re 209 MOTION for Sanctions filed by University of Michigan. (Attachments: # 1 Exhibit 1. Unpublished Cases) (Schwartz, Brian) (Entered: 01/10/2020)
01/10/2020		TEXT-ONLY ORDER Granting 219 Ex Parte MOTION for Leave to File Excess Pages filed by Andrew Lipian. Signed by Magistrate Judge Elizabeth A. Stafford. (MarW) (Entered: 01/10/2020)
01/13/2020	227	REPLY to Response re 210 Emergency MOTION to Strike 206 Objection,,, *PLAINTIFFS RENEWED OBJECTIONS TO THE MAGISTRATES ORDER [ECF 132] BASED ON THIS COURTS ORDER OVERRULING PLAINTIFFS OBJECTION WITHOUT PREJUDICE [ECF 176] (DKT#206)* filed by Aaron Dworkin, Jeffery Frumkin, Pamela Heatlie, Christopher Kendall, Martin Philbert, Martha Pollack, Melody Racine, Mark Schlissel, Elizabeth Seney, University of Michigan, Steven West. (Attachments: # 1 Exhibit 1. Unpublished Cases) (Schwartz, Brian) (Entered: 01/13/2020)
01/14/2020	228	*AMENDED PRELIMINARY* WITNESS LIST by Andrew Lipian (Gordon, Deborah) (Entered: 01/14/2020)
01/17/2020	229	Ex Parte MOTION for Leave to File Excess Pages by Andrew Lipian. (Gordon, Deborah) (Entered: 01/17/2020)
01/17/2020	230	RESPONSE to 203 MOTION for Summary Judgment filed by Andrew Lipian. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A - UM-Daniels OIE Report, # 3 Exhibit B - Lipian-Daniels OIE Report, # 4 Exhibit C - OIE Witness Statements, # 5 Exhibit D - Standard Practice Guide 201.89, # 6 Exhibit E - UofM Policy, # 7 Exhibit F - OCR Revised Sexual Harassment Guidance, # 8 Exhibit G - UM-Lipian 333, # 9 Exhibit H - Seney Notes, # 10 Exhibit I - UM-Lipian 123, # 11 Exhibit J - 1/31/19 Email, # 12 Exhibit K - Comparison of OIE Reports, # 13 Exhibit L - Emails Re: Retaliation, # 14 Exhibit M - Daniels Dep, # 15 Exhibit N - Frumkin Dep, # 16 Exhibit O - Heatlie Dep, # 17 Exhibit P - Lipian Deps, # 18 Exhibit Q - Pillsbury Dep, # 19 Exhibit R - Primeau Dep, # 20 Exhibit S - Racine Dep, # 21 Exhibit T - Rogers Dep, # 22 Exhibit U - Seney Dep, # 23 Exhibit V - Thompson Dep) (Gordon, Deborah) (Entered: 01/17/2020)
01/23/2020	231	STIPULATED ORDER for Forensic Examination of the Cellphones of Andrew Lipian and David Daniels. Signed by District Judge

		Arthur J. Tarnow. (MLan) (Entered: 01/23/2020)
01/31/2020	232	Ex Parte MOTION for Leave to File Excess Pages by Aaron Dworkin, Jeffery Frumkin, Pamela Heatlie, Christopher Kendall, Martin Philbert, Martha Pollack, Melody Racine, Mark Schlissel, Elizabeth Seney, University of Michigan, Steven West. (Schwartz, Brian) (Entered: 01/31/2020)
01/31/2020	233	REPLY to Response re 203 MOTION for Summary Judgment filed by Aaron Dworkin, Jeffery Frumkin, Pamela Heatlie, Christopher Kendall, Martin Philbert, Martha Pollack, Melody Racine, Mark Schlissel, Elizabeth Seney, University of Michigan, Steven West. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 52. Professor West- Witness Statement, # 3 Exhibit 53.Matthew Thompson Deposition Excerpts, # 4 Exhibit 54.Margery Pillsbury Deposition Excerpts, # 5 Exhibit 55.Jeffrey Frumkin Deposition Excerpts) (Schwartz, Brian) (Entered: 01/31/2020)
02/04/2020	234	NOTICE OF HEARING on 203 MOTION for Summary Judgment, 178 MOTION to Dismiss *COUNTS IV, IV [SIC], V, VI, VI [SIC], VIII OF PLAINTIFFS THIRD AMENDED COMPLAINT* AND 210 Emergency MOTION to Strike 206 Objection. **Motion Hearing set for 3/11/2020 11:00 AM before District Judge Arthur J. Tarnow**. (MLan) (Entered: 02/04/2020)
02/04/2020		TEXT-ONLY ORDER granting 232 Ex Parte MOTION for Leave to File Excess Pages filed by defendants, granting 229 Ex Parte MOTION for Leave to File Excess Pages filed by Andrew Lipian, granting 224 Ex Parte MOTION for Leave to File Excess Pages filed by Andrew Lipian. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 02/04/2020)
02/05/2020	235	NOTICE OF HEARING on 153 MOTION for Attorney Fees, 195 MOTION for Sanctions *and TO COMPEL TESTIMONY OF PLAINTIFF ANDREW LIPIAN*, 196 MOTION to Compel *TESTIMONY OF DAVID DANIELS AND SCOTT WALTERS*, 209 MOTION for Sanctions. **Motion Hearing set for 2/24/2020 at 10:00 AM before Magistrate Judge Elizabeth A. Stafford in Courtroom 642**. (LHos) (Entered: 02/05/2020)
02/05/2020	236	RE-NOTICE OF HEARING on 153 MOTION for Attorney Fees, 195 MOTION for Sanctions *and TO COMPEL TESTIMONY OF PLAINTIFF ANDREW LIPIAN*, 196 MOTION to Compel *TESTIMONY OF DAVID DANIELS AND SCOTT WALTERS*, 209 MOTION for Sanctions. **Motion Hearing reset to 2/26/2020 at 02:30 PM before Magistrate Judge Elizabeth A. Stafford in Courtroom 642** (LHos) (Entered: 02/05/2020)
02/06/2020	237	ORDER striking exhibit B re 208 Response. Signed by District Judge Arthur J. Tarnow. (DPer) (Entered: 02/06/2020)
02/24/2020	238	EXHIBIT *Supplemental Exhibit F* re 220 Response to Motion, by Andrew Lipian (Gordon, Deborah) (Entered: 02/24/2020)
02/26/2020		Minute Entry for proceedings before Magistrate Judge Elizabeth A. Stafford: Motion Hearing held on 2/26/2020 re 209 MOTION for Sanctions filed by University of Michigan, 153 MOTION for Attorney Fees filed by University of Michigan, 196 MOTION to Compel *TESTIMONY OF DAVID DANIELS AND SCOTT WALTERS* filed by University of Michigan, 195 MOTION for Sanctions *and TO COMPEL TESTIMONY OF PLAINTIFF ANDREW LIPIAN* filed by University of Michigan. Disposition: Order to be issued. (Court Reporter: Digitally Recorded) (MarW) (Entered: 02/27/2020)
02/27/2020	239	ORDER Denying (ECF No. 196) Defendants' Motion to Compel the Testimony of David Daniels and Scott Walters. Signed by Magistrate Judge Elizabeth A. Stafford. (MarW) (Entered: 02/27/2020)
03/02/2020	240	REPORT AND RECOMMENDATION to Deny Request for Sanctions (ECF No.(209). Signed by Magistrate Judge Elizabeth A. Stafford. (MarW) (Entered: 03/02/2020)
03/04/2020	241	TRANSCRIPT of Motion for Attorney Fees (ECF 153), Motion for Sanctions and to Compel Testimony of Plaintiff Andrew Lipian (ECF 195), Motion to Compel Testimony of David Daniels and Scott Walters (ECF 196), Motion for Sanctions (ECF 209) held on 02/26/2020. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 85) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 3/25/2020. Redacted Transcript Deadline set for 4/6/2020. Release of Transcript Restriction set for 6/2/2020. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 03/04/2020)
03/11/2020	242	OPINION AND ORDER Granting in part Motion for Attorney's Fees and Motion for Sanctions and to Compel Plaintiff's Testimony (ECF Nos. 153 , 195). Signed by Magistrate Judge Elizabeth A. Stafford. (MarW) (Entered: 03/11/2020)
03/11/2020		Minute Entry for proceedings before District Judge Arthur J. Tarnow: Motion Hearing held on 3/11/2020 re 178 MOTION to Dismiss, 203 MOTION FOR SUMMARY JUDGMENT, 206 OBJECTIONS and 210 Emergency MOTION to Strike 206 Objections. Disposition: Motions and Objections taken under advisement. (Court Reporter: Lawrence Przybysz) (MLan) (Entered: 03/11/2020)
03/12/2020	243	OBJECTION to 239 Order on Motion to Compel by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. David Daniels Deposition Transcript Excerpts, # 3 Exhibit 2. William Scott Walters Deposition Transcript Excerpts, # 4 Exhibit 3. 2-26-2020 Hearing Transcript) (Schwartz, Brian) (Entered: 03/12/2020)
03/13/2020	244	SUPPLEMENTAL BRIEF re 203 MOTION for Summary Judgment filed by Aaron Dworkin, Jeffery Frumkin, Pamela Heatlie, Christopher Kendall, Martin Philbert, Martha Pollack, Melody Racine, Mark Schlissel, Elizabeth Seney, University of Michigan, Steven West. (Schwartz, Brian) (Entered: 03/13/2020)
03/13/2020	245	SUPPLEMENTAL BRIEF re 230 Response to Motion,,, filed by Andrew Lipian. (Attachments: # 1 Exhibit A - Chart, # 2 Exhibit B-Harassing Texts) (Gordon, Deborah) (Entered: 03/13/2020)
03/13/2020	246	SUPPLEMENTAL BRIEF re 230 Response to Motion,,, filed by Andrew Lipian. (Gordon, Deborah) (Entered: 03/13/2020)
03/17/2020	247	MOTION to Strike 245 Supplemental Brief *MOTION TO STRIKE EXHIBITS FROM PLAINTIFFS SUPPLEMENTAL BRIEF IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT* by Aaron Dworkin, Jeffery Frumkin, Pamela Heatlie, Christopher Kendall, Martin Philbert, Martha Pollack, Melody Racine, Mark Schlissel, Elizabeth Seney, University of Michigan, Steven West. (Schwartz, Brian) (Entered: 03/17/2020)
03/25/2020	248	Ex Parte MOTION for Leave to File Excess Pages by Andrew Lipian. (Gordon, Deborah) (Entered: 03/25/2020)
03/25/2020	249	OBJECTION to 242 Order on Motion for Attorney Fees, Order on Motion for Sanctions by Andrew Lipian. (Attachments: # 1 Exhibit A - Emails, # 2 Exhibit B - Text Only Court Notice) (Gordon, Deborah) (Entered: 03/25/2020)
03/26/2020	250	STIPULATION AND ORDER Extending Time for Responses to 243 Objection. **Responses due by 4/2/2020**, **Reply due by 4/14/2020**.

		Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 03/26/2020)
03/26/2020		TEXT-ONLY ORDER granting 248 Ex Parte MOTION for Leave to File Excess Pages filed by Andrew Lipian. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 03/26/2020)
03/31/2020	251	RESPONSE to 247 MOTION to Strike 245 Supplemental Brief *MOTION TO STRIKE EXHIBITS FROM PLAINTIFFS SUPPLEMENTAL BRIEF IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT* filed by Andrew Lipian. (Gordon, Deborah) (Entered: 03/31/2020)
04/02/2020	252	MEMORANDUM re 243 Objection, *Response to Def. UM Obj. to MJ Order* by William Scott Walters (Shea, John) (Entered: 04/02/2020)
04/02/2020	253	MEMORANDUM re 243 Objection, by David Daniels (Stacey, Francyne) (Entered: 04/02/2020)
04/03/2020	254	REPLY to Response re 247 MOTION to Strike 245 Supplemental Brief *MOTION TO STRIKE EXHIBITS FROM PLAINTIFFS SUPPLEMENTAL BRIEF IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT* filed by University of Michigan. (Schwartz, Brian) (Entered: 04/03/2020)
04/08/2020	255	Ex Parte MOTION for Leave to File Excess Pages by University of Michigan. (Schwartz, Brian) (Entered: 04/08/2020)
04/08/2020	256	RESPONSE to 249 Objection *Response to Plaintiff's Objections to Opinion and Order Granting in Part Motion for Attorney's Fees and Motion for Sanctions and to Compel Plaintiff's Testimony* by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. Hearing Transcript, # 3 Exhibit 2. Unpublished Cases, # 4 Exhibit 3. Cullen Transcript) (Schwartz, Brian) (Entered: 04/08/2020)
04/09/2020	257	ORDER granting in part and denying in part 178 Motion to Dismiss; granting in part and denying in part 203 Motion for Summary Judgment; denying 247 Motion to Strike. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 04/09/2020)
04/10/2020	258	ORDER Adopting 240 Report and Recommendation denying without prejudice 209 MOTION for Sanctions filed by University of Michigan. Order denies 211 Plaintiff's Motion to Strike as moot; grants 255 Ex Parte MOTION for Leave to File Excess Pages filed by University of Michigan. **TELEPHONIC Status Conference set for 5/12/2020 03:00 PM before District Judge Arthur J. Tarnow**. Counsel are to forward their phone numbers to mike_lang@mied.uscourts prior to the conference if they want to appear. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 04/10/2020)
04/14/2020	259	REPLY to 243 Objection, *DEFENDANT UNIVERSITY OF MICHIGANS REPLY IN SUPPORT OF ITS OBJECTIONS TO THE MAGISTRATE JUDGES ORDER DENYING DEFENDANTS MOTION TO COMPEL TESTIMONY OF DAVID DANIELS AND SCOTT WALTERS* by University of Michigan. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1. Unpublished Cases) (Schwartz, Brian) (Entered: 04/14/2020)
04/15/2020	260	REPLY to 249 Objection by Andrew Lipian. (Gordon, Deborah) (Entered: 04/15/2020)

PACER Service Center			
Transaction Receipt			
04/17/2020 12:49:08			
PACER Login:	mikecox61	**Client Code:**	
Description:	Docket Report	**Search Criteria:**	2:18-cv-13321-AJT-EAS
Billable Pages:	26	**Cost:**	2.60

EXHIBIT 12

Register of Actions
Case No. 16-001111-CD

Kurashige, Scott et al vs University Of Michigan

Case Type: **Employment Discrimination (CD)**
Date Filed: **12/05/2016**
Location: **Civil**
Judicial Officer: **Connors, Timothy P.**

Party Information

		Attorneys
Defendant	**University Of Michigan**	**Megan P. Norris** *Retained* (313) 963-6420(W)
		Jerome R. Watson *Retained* (313) 963-6420(W)
		Muhammad Misbah Shahid *Retained* (313) 963-6420(W)
Plaintiff	**Kurashige, Scott**	**Alice B. Jennings** *Retained* (313) 961-5000(W)
		Carl R. Edwards *Retained* (313) 961-5000(W)
Plaintiff	**Lawsin, Emily**	**Alice B. Jennings** *Retained* (313) 961-5000(W)
		Carl R. Edwards *Retained* (313) 961-5000(W)

Events & Orders of the Court

OTHER EVENTS AND HEARINGS

12/05/2016 **Summons Issued (Summons and Complaint)**
12/05/2016 **Summons**
University Of Michigan Served 01/12/2017
12/05/2016 **Complaint**
12/05/2016 **Jury Demand**
01/10/2017 **Amended Complaint**
and Reliance on Jury Demand
01/10/2017 **Reliance on Jury Demand**
01/23/2017 **Proof of Service - Summons and Complaint (by mail)**
Cert Mail 01 12 17
02/22/2017 **Notice of Hearing**
02/22/2017 **Certificate of Service**
02/22/2017 **Motion**
Partial Motion to Dismiss and to Strike Portions of Pltf's Complaint/ Brief in Support
03/02/2017 **Certificate of Service**
03/02/2017 **Renotice of Hearing**
03/14/2017 **Certificate of Service**
03/14/2017 **Renotice of Hearing**
03/23/2017 *CANCELED* **Motion Hearing** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Event Cancelled By Court
Deft/ Partial Motion to Dismiss and to Strike Portions of Ptlf. Complaint
04/20/2017 **Response**
in Opposition to Deft's Partial Motion to Dismiss and to Strike Portions of Pltfs' Complaint/ Brief in opposition/ Proof of Service
04/25/2017 **Reply**
brief in support of defendant's partial motion to dismiss and to strike portions of plaintiffs' complaint. cert of service
04/27/2017 **Motion for Summary Disposition** (10:00 AM) (Judicial Officer Connors, Timothy P.)
Deft/ Partial MSD
04/20/2017 Reset by Court to 04/27/2017
Result: Cancelled
04/27/2017 **Motion Hearing** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Deft/ Motion to Strike Portions of Pltf's Complaint
Parties Present
Result: Held
05/02/2017 **Order**
Granting in Part and Denying in Part Deft's Partial Motion to Dismiss and to Strike Portion of Pltf's Complaint (sgd 05 01 17)
05/11/2017 **Amended Complaint**
second amended and reliance on jury demand, pursuant to the order granting in part and denying in part Deft's partial motion to dismiss and to strike portions of Pltf's complaint dated May 2, 2017
05/11/2017 **Reliance on Jury Demand**
05/17/2017 **Proof of Service**
06/01/2017 **Scheduling Conference** (9:30 AM) (Judicial Officer Sullivan, Jennifer)
Result: Held
06/01/2017 **Scheduling Order**
sgd 06 01 17
06/19/2017 **Answer to Complaint**
and affirmative defenses to Pltf's second amended complaint/ cert of service
10/16/2017 **Witness List**
and proof of service
11/02/2017 **Notice of Hearing**
11/02/2017 **Document**
Joint stipulated motion to extend scheduling order/ Cert of service
11/03/2017 **Renotice of Hearing**
11/09/2017 **Motion Hearing** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Deft/ Motion to Extend Scheduling Order
Parties Present
11/30/2017 Reset by Court to 11/09/2017
Result: Held

12/12/2017 **Stipulated Order**
to extend scheduling order dates (sgd 12 11 17)
01/09/2018 **Notice of Motion Hearing**
01/10/2018 **Stipulated Order**
Protective Order (sgd 01 08 18)
01/12/2018 **Notice of Motion Hearing**
01/12/2018 **Notice of Hearing**
01/12/2018 **Motion**
for an order to file a third amended complaint pursuant to mcr 2.118 a 2/ cert of service
01/12/2018 **Brief**
in support of motion for an order to file a third amended complaint pursuant to mcr 2.118 a 2
01/12/2018 **Notice of Hearing**
01/12/2018 **Motion to Compel**
answers and more specific responses to plaintiff's first set of interrogatories and first set of requests for production of documents to defendant university of michigan dated June 29 2017 pursuant to mcr 2.309 b 4 and mcr 2.313 a 2 c and d and to adjourned only the discovery cut off dated to April 11 2018
01/12/2018 **Brief**
in support of motion to compel/ proof of service
01/16/2018 **Notice of Hearing**
01/18/2018 **Notice of Motion Hearing**
01/18/2018 **Notice of Hearing**
01/18/2018 **Motion**
for Protective Order/Brief in Support/Certificate of Service
01/22/2018 **Notice of Motion Hearing and Proof of Service**
01/22/2018 **Motion**
Amended motion for an order to file a third amended complaint pursuant to MCR 2.118(A)(2)/proof of service
01/22/2018 **Brief**
in support/certificate of service
01/22/2018 **Response**
in opposition to deft's motion for protective order/certificate of service
01/22/2018 **Motion**
For an order to file a third amended complaint pursuant to MCR 2.118(A)(2)
01/22/2018 **Brief**
In response to Plaintiff's motion to file a third amended complaint
01/22/2018 **Brief**
Response Brief in Opposition to Plaintiff's Motion to Compel Answers and More Specific Responses to Plaintiffs' First Set of Interrogatories and First Set of Requests/Certificate of Service
01/22/2018 **Brief**
in Response and in Opposition to Defendant's Motion for Protective Order/Certificate of Service
01/24/2018 **Reply**
to Defendant's Response Brief in Opposition to Plaintiffs' Motion to Compel Answers and More Specific Response to Plaintiffs' First Set of Interrogatories and First Set of Requests for Production to Defendant dated June 29, 2017 and to Adjourn only the Discovery Cut-Off Date to April 11, 2018/Certificate of Service
01/25/2018 **Motion Hearing** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Pltf/ Motion for and Order to File a 3rd Amended Complaint; Motion to Compel; Deft/ Motion for Protective Order
Result: Held
02/12/2018 **Order**
granting Pltf's motion to file third amended complaint (sgd 02 12 18)
02/12/2018 **Amended Complaint**
Third amended complaint and reliance on jury demand
03/05/2018 **Answer to Complaint**
and affirmative defenses to plaintiffs' third amended complaint/certificate of service
04/06/2018 **Order**
Regarding Motions heard on January 25, 2018 (sgd 4-4-18)
04/17/2018 **Brief**
In support of Defendant's limited motion for reconsideration regarding one of the 31 depositions requested by Plaintiffs
04/17/2018 **Motion**
For reconsideration regarding one of the 31 depositions requested by plaintiffs
04/24/2018 **Motion**
for limited reconsideration of the Court's January 25,2018 ruling on Plaintiff's motion to compel discovery of comparable Defendant U of M Employee Personnel data for Plaintiff's professors Kurashinge and Lawsin; and any and all written complaints of race, gender, marital status, disability discrimination on hostile work environment and retaliation complaints, pursuant to MCR 2.119(F) with proof of service
05/10/2018 **Motion for Summary Disposition** (10:00 AM) (Judicial Officer Connors, Timothy P.)
Deft/ Motion for Summary Disposition
Result: Not Held - No Show
05/15/2018 **Witness List**
Amended Witness list/proof of service
05/23/2018 **Order**
denying Defendant's limited motion for reconsideration with proof of service (sgd 05 23 18)
05/24/2018 **Notice of Motion Hearing**
05/24/2018 **Certificate of Service**
06/28/2018 **Order**
(Amended) Regarding Defendant's Motion for Reconsideration/Proof of Service (Denied, sgd 6/26/18)
06/28/2018 **Order**
(Amended) regarding motion for limited reconsideration with proof of service (Denied, sgd 06 26 18)
07/09/2018 **Stipulated Order**
to Continue Limited Discovery After the Recommendation of the Special Master, on Documents Claimed by Defendant to be Attorney-Client Privileged or Work Product (signed 7/9/18)
07/25/2018 **Copy of Court of Appeals Order**
08/06/2018 **File Sent**
complete paperless file sent to supreme court
08/17/2018 **Stipulated Order**
Extending Dates (signed 8/14/18)
08/27/2018 **Notice of Motion Hearing**
09/12/2018 **Memorandum**
from MI Supreme Court requesting records
09/14/2018 **Notice of Motion Hearing**
09/14/2018 **Certificate of Service**
09/26/2018 **Notice of Motion Hearing and Proof of Service**
09/26/2018 **Brief**
in support of emergency motion to sanction Defendant U of M with proof of service
09/26/2018 **Motion**
Emergency motion pursuant to MCR 2.401 to stay all scheduling order dates and/or modify the scheduling order until the special master has ruled discovery documents and the MI Supreme Court has ruled on Defendant's application to review the trial court's and Court of Appeals' orders allowing the deposition of Michael Behm chair of the Defendant U of M Board of Trustees
09/26/2018 **Motion**
(Emergency) to Sanction Defendant University of Michigan for Violation of this Court's Order to Compel the Defendant to (1) Produce Michael Behm for Deposition Pursuant to the Court's Order Entered on April 4, 2018; (2) Violation of MCR 7.209 (A) Where No Stay Pending Appeal Has Been Requested Prior to the Cancellation of Behm's Deposition and (3) Further to Compel Defendant University of Michigan to Respond More Specifically to Plaintiff's Second and Third Request for Production of Documents
09/26/2018 **Brief**
in Support/Proof of Service
09/27/2018 **Copy**
of Supreme Court Order
10/01/2018 **Response**
Brief in Concurrence with Plaintiffs' "Emergency Motion, Pursuant to MCR 2.401, to Stay All Scheduling Order Dates and/or Modify the Scheduling Order Until the Special Master has Ruled on Discovery Documents ; and the Michigan Supreme Court has Ruled on Defendant's Application to Review the Trial Court's and Court of Appeals' Orders Allowing the Deposition of Michael Behm, Chair of Defendant University of Michigan's Board of Trustees"/ Certificate of Service
10/01/2018 **Response**
Brief in Opposition to Plaintiffs' "Emergency Motion to Sanction Defendant University of Michigan for Violation of this Court's Order to Compel the Defendant to (1) Produce Michael Behm for Deposition Pursuant to the Court's Order entered on April 4, 2018; (2) Violation of MCR 7.209(a) Where no Stay Pending Appeal has been Requested Prior to the Cancellation for Behm's Deposition; and (3) Further to Compel Defendant University of Michigan to Respond More more Specifically to Plaintiff's Second and Third Request for Production of Documents"/Certificate of Service
10/04/2018 **Motion Hearing** (9:00 AM) (Judicial Officer Connors, Timothy P.)

Pltf/ Emergency Motion to Sanction; Motion to Stay
Result: Adjourned
10/09/2018 **Scheduling Order**
(Amended, sgd 10/4/18)
10/17/2018 **Notice of Motion Hearing and Proof of Service**
10/17/2018 **Notice of Motion Hearing and Proof of Service**
10/31/2018 **Motion to Compel**
(Amended) Defendant UM to Respond More Specifically to Plaintiffs' Second and Third Request for Production of Docments
10/31/2018 **Brief**
in Support of Amended Motion to Compel/Proof of Service
11/01/2018 **Motion for Summary Disposition** (10:00 AM) (Judicial Officer Connors, Timothy P.)
Deft/ MSD Adj 8/30, 11/1; Adj Per 9/14 Renotice NOMH
08/30/2018 Reset by Court to 11/01/2018
11/01/2018 Reset by Court to 11/08/2018
11/08/2018 Reset by Court to 11/29/2018
11/29/2018 Reset by Court to 11/01/2018
Result: Held
11/01/2018 **Motion Hearing** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Pltf/Motion for sanctions and stay - adj from 10/4
10/18/2018 Reset by Court to 11/01/2018
Result: Held
11/01/2018 **Notice of Motion Hearing**
11/02/2018 **Notice of Motion Hearing**
11/19/2018 *CANCELED* **Jury Trial** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Event Cancelled By Court
06/04/2018 Reset by Court to 10/15/2018
10/15/2018 Reset by Court to 11/19/2018
11/19/2018 **Reporter-Recorder Certificate of Ordering of Transcript on A**
11/19/2018 **Transcript**
of Hearing Held November 1, 2018
11/27/2018 **Order**
denying Plaintiffs' motion to compel Defendant U of M to respond more specifically to Plaintiffs' second and third request for production of documents; except to the extent agreed by the parties
11/27/2018 **Order**
granting Plaintiffs' emergency motion, pursuant to MCR 2.401, to stay all scheduling order dates and/or modify the scheduling order until the special master has ruled on discovery documents; and the MI Supreme Court has ruled on the Defendant's application to review the Trial Court's and Court of Appeals' orders allowing the deposition of Michael Behm, chair of Defendant U of M Board of Trustees (sgd 11 26 18)
03/28/2019 **Motion**
to Pursuant to MCR 2.119(A)(2); and (C)(2) to Extend the Page Limit in Their Resposne to Defendant's Motion for Summary Disposition to be Heard on April 25, 2019
03/28/2019 **Motion**
to Remove Case from Case Evaluation Where Plaintiffs Object and Injunctive Relief is Requested Pursuant to MCR 2.410
03/28/2019 **Brief**
in Support
03/28/2019 **Brief**
in Support
03/28/2019 **Notice of Motion Hearing and Proof of Service**
04/01/2019 **Response**
to Plaintiff's Motion to Remove Case from Case Evaluation/Cert of Service
04/01/2019 **Response**
to Plaintiff's Motion to Extend Page Limits for Plaintiff's Responses to Defendant's Motion for Summary Disposition/Cert of Service
04/01/2019 **Witness List**
(Second Amended)/Proof of Service
04/04/2019 **Motion Hearing** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Pltf/ Motion to Remove Case from CE Where Injunctive Relief is Requested; Motion to Extend Page Limit in their Response
Result: Held
04/04/2019 **Notice of Motion Hearing**
04/04/2019 **Motion for Summary Disposition**
as to Plaintiff Scott Kurashige
04/04/2019 **Brief**
in Support/Certificate of Service
04/04/2019 **Motion for Summary Disposition**
as to Plaintiff Emily Lawsin
04/04/2019 **Brief**
in Support/Certificate of Service
04/17/2019 **Response**
in Opposition to Defendant's Motion for Sumary Disposition/Brief in Support/Cert of Service
04/18/2019 **Response**
in Opposition to Defendant's Motion for Summary Disposition/Brief in Support/Cert of Service
04/19/2019 **Response**
in Opposition to Defendant's Motion for Summary Disposition (Exhibits #1-14)
04/19/2019 **Response**
in Opposition to Defendant's Motion for Summary Disposition (Exhibits 15-59, #39 Under Seal)
04/19/2019 **Response**
in Opposition to Defendant's Motion for Summary Disposition (Exhibit #39)
04/22/2019 **Response**
in Opposition to Defendant's Motion for Summary Disposition (Exhibits #1-20)
04/22/2019 **Response**
in Opposition to Defendant's Motion for Summary Disposition (Exhibits #21-46, #37 Under Seal)
04/22/2019 **Response**
in Opposition to Defendant's Motion for Summary Disposition (Exhibit #37)
04/22/2019 **Order**
Granting in Part and Denying in Part Plaintiffs' Motion Pursuant to MCR 2.119(A)(2) and (C)(2) to Extend the Page Limit in their Response to Defendants' Motion for Summary Disposition to be Heard on April 25, 2019 (sgd 04 19 19)
04/22/2019 **Order**
Denying Plaintiffs' Motion to Remove Case from Case Evaluation where Plaintiffs Object and injunctive Relief is Requested Pursuant to MCR 2.403(A)(3) and (C) and (K); and to Place this Case in Alternative Dispute Process Pursuant to MCR 2.410 (sgd 04 19 19)
04/22/2019 **Reply**
Brief in Support of Defendant's Motion for Summary Disposition as to Plaintiff Scott Kurashige/Cert of Service
04/22/2019 **Reply**
Brief in Support of Defendant's Motion for Summary Disposition as to Plaintiff Emily Lawsin/Certificate of Service
04/25/2019 **Motion for Summary Disposition** (10:00 AM) (Judicial Officer Connors, Timothy P.)
Deft/ MSD; Adj Per 11/2 Renotice NOMH
04/04/2019 Reset by Court to 04/25/2019
Result: Held
05/07/2019 **Order**
Granting in Part and Denying in Part Defendant's Motions for Summary Disposition (signed 5/6/19)
05/07/2019 **Notice of Motion Hearing**
05/16/2019 **Case Evaluation** (9:00 AM) ()
MSD Cutoff: 4/25/19 ce 5/16; atty jennings; 3 sums 3 150 rec 5/13 ce 5/16; atty norris; 3 sums 3 75 rec 5/13
03/28/2018 Reset by Court to 07/25/2018
07/25/2018 Reset by Court to 09/26/2018
09/26/2018 Reset by Court to 01/16/2019
01/16/2019 Reset by Court to 05/16/2019
Result: Case Eval Not Settled
06/06/2019 **Motion**
in Limine
06/06/2019 **Brief**
in Support/Cert of Service
06/11/2019 **Response**
in Opposition to Defendant's Motion in Limine

06/11/2019 **Brief**
in opposition to defendant's brief in support of its motion in limine/ proof of service
06/13/2019 **Motion Hearing** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Deft/ Motions in Limine
Result: Held
06/17/2019 **Settlement Order**
/Jury Trial Order (sgd 06 13 19)
06/27/2019 *CANCELED* **Settlement Conference** (10:30 AM) (Judicial Officer Connors, Timothy P.)
Event Cancelled By Court
05/03/2018 Reset by Court to 08/30/2018
08/30/2018 Reset by Court to 10/25/2018
10/25/2018 Reset by Court to 02/21/2019
02/21/2019 Reset by Court to 06/27/2019
07/01/2019 *CANCELED* **Jury Trial** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Event Cancelled By Court
07/11/2019 **Settlement Conference** (11:00 AM) (Judicial Officer Connors, Timothy P.)
Result: Held
07/24/2019 **Order**
for Facilitation (Sgd 7-23-19)
08/22/2019 **Notice of Motion Hearing**
08/22/2019 **Certificate of Service**
09/24/2019 **Appearance**
w/ Certificate of Service
09/25/2019 **Brief**
in Support/Proof of Service
09/25/2019 **Motion**
(Emergency) to Adjourn Jury Selection on 11/12/19 and to Adjourn Trial in This Matter Starting on 12/2/19
09/25/2019 **Notice of Motion Hearing and Proof of Service**
09/30/2019 **Response**
to Plaintiffs' Emergency Motion to Adjourn Jury Selection and Trial/Cert of Service
10/03/2019 **Motion Hearing** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Pltf/ Emergency Motion to Adjourn Jury Selection on 11/12/19 and Trial on 12/2/19
Result: Held
10/08/2019 **Copy of Court of Appeals Order**
10/16/2019 **Motion**
(Renewed) for Protective Order Regarding Regent Behm
10/16/2019 **Notice of Hearing**
10/16/2019 **Brief**
in Support/Cert of Service
10/16/2019 **Notice of Hearing**
10/16/2019 **Motion**
for Resolution of Trial Issues
10/16/2019 **Brief**
in Support/Cert of Service
10/17/2019 **Order**
Denying Plaintiff's Emergency Motion to Adjourn Jury Selection on November 12, 2019 and to Adjourn Trial in This Matter Starting on December 2, 2019 (sgd 10/16/19)
10/22/2019 **Response**
in opposition to Defendant's Renewed Motion for Protective Order Regarding Regent Behm with Brief in Opposition and Proof of Service
10/22/2019 **Response**
in Concurrence and Opposition to Defendant's Motion for Resolution of Trial Issues and Proof of Service
10/23/2019 **Motion Hearing** (1:30 PM) (Judicial Officer Connors, Timothy P.)
Motions in Limine and any disputes over jury instructions to be heard this day
Result: Held
10/23/2019 **Motion Hearing** (1:30 PM) (Judicial Officer Connors, Timothy P.)
Deft/ Motion in Limine; Motion to Finalize Jury Instructions; Motion to Compel
Result: Held
11/05/2019 **Proof of Service**
11/05/2019 **Proof of Service**
11/05/2019 **Notice of Motion Hearing**
11/06/2019 **Stipulated Order**
Stipulated order regarding claw-back of privileged documents pursuant to special master report (sgd 11/6/19)
11/08/2019 **Proof of Service**
11/08/2019 **Witness List**
(trial) And proof of service
11/08/2019 **Document**
Proposed voir dire and proof of service
11/08/2019 **Witness List**
And proof of service
11/08/2019 **Proof of Service**
11/08/2019 **Document**
Special voir dire requests and proof of service
11/08/2019 **Proof of Service**
11/12/2019 **Jury Trial** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Jury Selection Date
11/12/2019 Reset by Court to 11/12/2019
Result: Held
11/15/2019 **Proof of Service**
11/15/2019 **Notice of Motion Hearing and Proof of Service**
11/18/2019 **Proof of Service**
11/18/2019 **Document**
Defendant's submission regarding parties' joint motion for pre-trial issues to be decided by court/cert of service
11/20/2019 **Motion**
(joint) for all pre-trial issues to be decided by the courts with cert of service
11/20/2019 **Proof of Service**
11/20/2019 **Brief**
In support of joint motion
11/20/2019 **Proof of Service**
11/20/2019 **Response**
In opposition to defendant's submission regarding parties' joint motion for pre-trial issues to be decided by the court / cert of service
11/20/2019 **Brief**
in support of parties joint motion or all pre-trial issued to be decided by the court
11/20/2019 **Brief**
in support of parties joint motion for all pre-trial issues to be decided by the court/proof of service
11/21/2019 **Motion Hearing** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Parties Joint Motion for All Pre-Trial Issues to be Decided by the Court
Result: Held
11/27/2019 **Witness List**
Amended Trial witness list and proof of service
11/27/2019 **Proof of Service**
11/27/2019 **Proof of Service**
11/27/2019 **Exhibit List**
For trial and proof of service
12/02/2019 **Jury Trial** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Result: Continued
12/03/2019 **Jury Trial Continued** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Result: Continued
12/04/2019 **Jury Trial Continued** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Result: Continued
12/05/2019 **Jury Trial Continued** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Result: Continued
12/05/2019 **Exhibit**
2 to stipulated order adopting special master report
12/05/2019 **Exhibit**

1 to the stipulated order adopting special master report

12/05/2019 **Stipulated Order**
Stipulated order adopting special master report (sgd 12/5/19)

12/06/2019 **Jury Trial Continued** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Result: Continued

12/06/2019 **Request and Notice for Film and Electronic Media Coverage of**

12/09/2019 **Jury Trial Continued** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Result: Continued

12/10/2019 **Jury Trial Continued** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Result: Continued

12/11/2019 **Jury Trial Continued** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Result: Continued

12/12/2019 **Jury Trial Continued** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Result: Continued

12/13/2019 **Jury Trial Continued** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Result: Continued

12/16/2019 **Jury Trial Continued** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Result: Continued

12/17/2019 **Jury Trial Continued** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Result: Continued

12/17/2019 **Proof of Service**

12/17/2019 **Exhibit List**
Final trial exhibits and proof of service

12/17/2019 **Request and Notice for Film and Electronic Media Coverage of**

12/18/2019 **Jury Trial Continued** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Result: Continued

12/19/2019 *CANCELED* **Jury Trial Continued** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Event Cancelled By Court

12/20/2019 **Jury Trial Continued** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Result: Finished

12/23/2019 **Jury Trial Continued** (9:00 AM) (Judicial Officer Connors, Timothy P.)

01/02/2020 **Verdict Form**
- Plaintiff's Professor Scott Kurashige

01/02/2020 **Verdict Form**
- Plaintiff Professor Emily Lawsin

01/02/2020 **Exhibit List**

01/27/2020 **Notice of Motion Hearing and Proof of Service**

01/27/2020 **Proof of Service**

01/29/2020 **Proof of Service**

01/29/2020 **Notice of Motion Hearing and Proof of Service**

02/05/2020 **Proof of Service**

02/05/2020 **Proof of Service**

02/05/2020 **Motion**
For entry of judgment with brief in support and certificate of service

02/07/2020 **Proof of Service**

02/07/2020 **Response**
In opposition to defendant's motion for entry of judgment with brief in support and proof of service

02/07/2020 **Proof of Service**

02/07/2020 **Proof of Service**

02/07/2020 **Motion**
Requesting an order to have this court schedule settlement conference, pursuant to mcr 2.410, prior to the entry of the judgment with brief in support and proof of service

02/10/2020 **Proof of Service**

02/10/2020 **Response**
To plaintiffs' motion requesting and order to have this court schedule a settlement conference prior to the entry of judgment

02/12/2020 **Proof of Service**

02/12/2020 **Reply**
In opposition to defendant university of michigan's response to plaintiffs' motion requesting an order to have this court schedule a settlement conference pursuant to mcr 2.410 prior to the entry of the judgment / proof of service

02/13/2020 **Motion Hearing** (9:00 AM) (Judicial Officer Connors, Timothy P.)
Deft/ Entry of Order; Pltf/ Motion for Settlement Conf.
Result: Held

02/14/2020 **Proof of Service**

02/14/2020 **Judgment**
after jury trial (sgd 02/13/20)

02/19/2020 **Order**
denying plaintiffs' motion requesting an to have this court schedule a settlement conference, pursuant to mcr 2.410 prior to the entry of the judgment (sgd 2/19/20)

02/25/2020 **Proof of Service**

02/26/2020 **Stipulated Order**
to adjourn post judgment motions (sgd 2/26/20)

03/16/2020 **Proof of Service**

03/16/2020 **Stipulated Order**
parties second joint stipulated agreement and order to adjourn post judgment motions (sgd 3/16/20)

04/14/2020 **Proof of Service**

04/15/2020 **Stipulated Order**
joint stipulated agreement and order to adjourn post judgment motions (sgd 4/15/20)

Financial Information

	Plaintiff Kurashige, Scott			
	Total Financial Assessment			972.00
	Total Payments and Credits			972.00
	Balance Due as of 04/17/2020			**0.00**
12/05/2016	Transaction Assessment			175.00
12/05/2016	Transaction Assessment			85.00
12/05/2016	Payment Over the Counter	Receipt # CC-2016-15328	University Of Michigan	(260.00)
02/22/2017	Transaction Assessment			20.00
02/22/2017	Payment Over the Counter	Receipt # CC-2017-2337	University Of Michigan	(20.00)
11/02/2017	Transaction Assessment			20.00
11/02/2017	Payment Over the Counter	Receipt # CC-2017-14997	Miller Canfield	(20.00)
01/12/2018	Transaction Assessment			20.00
01/12/2018	Payment Over the Counter	Receipt # CC-2018-584	Edwards, Carl R.	(20.00)
01/18/2018	Transaction Assessment			20.00
01/18/2018	Payment Over the Counter	Receipt # CC-2018-841	Edwards, Carl R.	(20.00)
04/17/2018	Transaction Assessment			20.00
04/17/2018	Payment Over the Counter	Receipt # CC-2018-5477	Edwards, Carl R.	(20.00)
04/24/2018	Transaction Assessment			20.00
04/24/2018	Payment Over the Counter	Receipt # CC-2018-5807	University Of Michigan	(20.00)
09/26/2018	Transaction Assessment			20.00
09/26/2018	Payment Over the Counter	Receipt # CC-2018-13316	Jennings, Alice B.	(20.00)
03/28/2019	Transaction Assessment			20.00
03/28/2019	Payment Over the Counter	Receipt # CC-2019-4101	Jennings, Alice B.	(20.00)
04/04/2019	Transaction Assessment			20.00
04/04/2019	Over the Phone Payment	Receipt # CC-2019-4437	Ronda Harris	(20.00)
04/23/2019	Transaction Assessment			412.00
04/23/2019	Payment Over the Counter	Receipt # CC-2019-5301	Olivia Kuester	(412.00)
06/06/2019	Transaction Assessment			20.00
06/06/2019	Payment Over the Counter	Receipt # CC-2019-7486	University Of Michigan Kellogg Eye Center	(20.00)
09/25/2019	Transaction Assessment			20.00
09/25/2019	Payment Over the Counter	Receipt # CC-2019-12896	Jennings, Alice B.	(20.00)
10/16/2019	Transaction Assessment			20.00
10/16/2019	Payment Over the Counter	Receipt # CC-2019-13970	Norris, Megan P.	(20.00)

11/20/2019	Transaction Assessment			20.00
11/20/2019	E-File	Receipt # EFILE-2019-00322	Edwards & Jennings, PC	(20.00)
02/05/2020	Transaction Assessment			20.00
02/05/2020	E-File	Receipt # EFILE-2020-00645	Miller Canfield	(20.00)
02/07/2020	Transaction Assessment			20.00
02/07/2020	E-File	Receipt # EFILE-2020-00688	Edwards & Jennings, PC	(20.00)

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN DOE MC-1,

Plaintiff,

v.

THE UNIVERSITY OF MICHIGAN, AND THE REGENTS OF THE UNIVERSITY OF MICHIGAN (official capacity only),

Defendants.
_____/

Case No. 2:20-CV-10568

Hon. Paul D. Borman
Hon. Elizabeth A. Stafford

PLAINTIFF JOHN DOE MC-1'S RESPONSE AND BRIEF IN SUPPORT OF HIS RESPONSE TO DEFENDANTS' MOTION TO CONSOLIDATE CASES AND FOR ORDERED FILING OF A MASTER COMPLAINT

APPENDIX OF UNPUBLISHED CASES

Appendix 1	*Baez v. Yourway Express, LLC*, No. SA-17-CV-996-XR, 2017 WL 8811739 (W.D. Texas Dec. 5, 2017)
Appendix 2	*Dupree v. Cranbrook Educ. Cmty.,* No. 10-12094, 2012 WL 1060082 (E.D. Mich. Mar. 29, 2012)
Appendix 3	*Sandles v. U.S. Marshal's Service*, No. 04-72426, 2005 WL 8154851 (E.D. Mich. June 24, 2005)

APPENDIX 1

2017 WL 8811739
Only the Westlaw citation is currently available.
United States District Court, W.D.
Texas, San Antonio Division.

Johnny BAEZ, Plaintiff,
v.
YOURWAY EXPRESS, LLC, Defendant.

Civil Action No. SA-17-CV-996-XR
|
Signed 12/05/2017

Attorneys and Law Firms

Gavin H. McInnis, Wyatt Law Firm, Ltd., Paula A. Wyatt, Oakwell Farms Business Center, San Antonio, TX, for Plaintiff.

Larry J. Goldman, Paige A. Thomas, Goldman & Peterson PLLC, San Antonio, TX, for Defendant.

ORDER

XAVIER RODRIGUEZ, UNITED STATES DISTRICT JUDGE

***1** On this day the Court considered Defendant's Motion to Dismiss for Non-Joinder or in the Alternative Motion to Consolidate. Docket no. 6. After careful consideration, the Court DENIES the motion.

BACKGROUND

Plaintiff Johnny Baez brought this action on October 5, 2017, against Defendant Yourway Express, asserting claims for negligence under the principles of agency and respondeat superior. Docket no. 1. Plaintiff was allegedly injured in an automobile accident by Bakytbek Nursultan, an employee of Yourway Express, when Nursultan allegedly failed to exercise reasonable care and struck Plaintiff's vehicle from the rear. *Id.* at 2. Plaintiff alleges that Nursultan was acting as an employee of Yourway Express and was within the course and scope of his employment or official duties for Yourway Express. *Id.*

Plaintiff previously brought the related case, *Johnny Baez v. Nursultan Bakytbek Uluu*, Civil Action No. SA-16-CA-795-XR, currently pending before this Court. In the related case, on September 26, 2017, the Court denied Plaintiff's Opposed Motion to Extend Deadline to File Amended Pleading Adding New Party and for Leave to File First Amended Complaint. Docket no. 30. Plaintiff sought to add Yourway Express as a party and bring new claims for negligence. The Court denied the motion because Plaintiff sought to amend several months after the scheduling order deadline, was put on notice of Yourway Express's potential liability multiple times, and the potential prejudice to Nursultan.

In the present case, Yourway Express asks the Court to dismiss Plaintiff's Complaint for non-joinder, or in the alternative, to consolidate the two cases. Docket no. 6. Plaintiff opposes the motion. Docket no. 7.

ANALYSIS

First, Yourway Express argues Plaintiff's complaint should be dismissed because Yourway Express is a required party to the related case brought against Nursultan. Docket no. 6 at 3. Plaintiff argues that Yourway Express is not a required party. Docket no. 7 at 4. A party is considered a required party if:

> (A) in that person's absence, the court cannot accord complete relief among existing parties; or
>
> (B) that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may:
>
> > (i) as a practical matter impair or impede the person's ability to protect the interest; or
> >
> > (ii) leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the interest.

FED. R. CIV. P. 19(a)(1). It is well-established that Rule 19 does not require the joinder of a principal and agent or joint tortfeasors. *See Nottingham v. Gen. Am. Commc'ns Corp.*, 811 F.2d 873, 880 (5th Cir. 1987). Accordingly, Yourway Express, as employer of Nursultan, is not a required party in the case brought against Nursultan, and the Court denies Yourway Express's Motion to Dismiss for Non-Joinder.

Second, Yourway Express requests that the Court consolidate the two related cases. Docket no. 6 at 5. Plaintiff argues the cases should not be consolidated given Yourway Express's

opposition to Plaintiff's attempt to join Yourway Express in the case brought against Nursultan. Docket no. 7 at 5. A court may consolidate two cases if the "actions before the court involve a common question of law or fact." FED. R. CIV. P. 42(a). Courts have very broad discretion in deciding whether or not to consolidate. *See Frazier v. Garrison I.S.D.*, 980 F.2d 1514, 1532 (5th Cir. 1993). The purpose to consolidate is to avoid unnecessary costs or delay. *Id.* The Court previously denied Plaintiff's request to join Yourway Express in the case against Nursultan in part because of the potential prejudice to Nursultan related to Plaintiff's new claims. Those same concerns still exist if the two cases were to be consolidated. Further, consolidating the cases could lead to unnecessary costs and delay, especially given that Yourway Express requests a new scheduling order. Accordingly, the Court uses its broad discretion to find consolidation is not appropriate and denies Yourway Express's motion.

CONCLUSION

***2** For the foregoing reasons, the Court DENIES Defendant's Motion to Dismiss for Non-Joinder or in the Alternative Motion to Consolidate. Docket no. 6.

It is so ORDERED.

All Citations

Not Reported in Fed. Supp., 2017 WL 8811739

End of Document

APPENDIX 2

2012 WL 1060082
Only the Westlaw citation is currently available.

United States District Court,
E.D. Michigan,
Southern Division.

Michael DUPREE, Jr., Michael Dupree, Sr. and Darlene Dupree, Plaintiffs,
v.
CRANBROOK EDUCATIONAL COMMUNITY, John J. Winter and Charles Shaw, Defendants.

No. 10–12094.
|
March 29, 2012.

Attorneys and Law Firms

Christopher R. Sciotti, Thomas, Garvey, St. Clair Shores, MI, for Plaintiffs/Defendants.

Matthew S. Disbrow, Russell S. Linden, Tara E. Mahoney, Honigman, Miller, Detroit, MI, for Defendants.

OPINION AND ORDER

LAWRENCE P. ZATKOFF, District Judge.

I. INTRODUCTION

***1** This matter is before the Court on Defendants' Motion for Summary Judgment (Docket # 22) and Plaintiffs' Motion for Leave to File an Amended Complaint (Docket # 26). The parties have fully briefed the motions. [1] The Court has thoroughly reviewed the facts and legal arguments presented in the parties' papers, [2] and the Court held a hearing on Defendant's Motion for Summary Judgment on March 15, 2012. For the following reasons, Plaintiffs' Motion for Leave to File an Amended Complaint is DENIED and Defendants's Motion for Summary Judgment is DENIED.

II. BACKGROUND

Except as otherwise specified, the following facts are undisputed. Michael Dupree, Sr. ("Mr.Dupree") and Darlene Dupree ("Mrs.Dupree") enrolled their son, Michael Dupree, Jr. ("Michael") at the Upper School (high school) operated by Defendant Cranbrook Educational Community ("Cranbrook") in the fall of 2000. Michael attended Cranbrook for the entirety of his freshmen, sophomore and junior years. He also attended Cranbrook for his senior year until he was dismissed from Cranbrook, effective June 1, 2004. His dismissal became effective several days after he completed his classes and final examinations, but three days before graduation for the Class of 2004, held on June 4, 2004. Mr. Dupree and Mrs. Dupree paid approximately $80,000 for tuition for the four years Michael attended Cranbrook.

The relevant events in this lawsuit occurred during the 2003–04 school year. At that time, Defendant John J. Winter ("Dean Winter") was the Dean of the Boys School, Defendant Charles Shaw ("Shaw") was Head of the Upper School, and Arlyce Seibert ("Seibert") was Cranbrook's Director of Schools.

A. Enrollment Contract

As he had done for each of Michael's first three years at Cranbook, Mr. Dupree signed an Enrollment Contract for the 2003–04 school year. The Enrollment Contract included the following language:

> I specifically understand and agree that the Schools reserve the right to dismiss Michael at any time if, in the judgment of the schools, Michael's health, efforts, progress, behavior or influence is unsatisfactory ....
>
> I understand that Michael will be responsible for abiding by the policies and procedures stated in his Schools' handbook.

B. The Handbook

The Upper School issues a Community Handbook ("Handbook") to each student for each school year. The Plaintiffs received a Handbook for the 2003–04 school year. On the first page of the Handbook, Shaw states that the Handbook is:

> ... a stated set of policies and procedures that articulate [students', parents', faculty, and staff's] rights and our responsibilities. These statements assist us in both our individual

> and collective pursuits. Hence, this *Handbook* serves a critical need. I do expect that each of us will commit ourselves, not only to the prescribed expectations and standards contained herein, but also to the spirit of our school community.

***2** The Handbook includes a page titled: "Highlights of the Cranbrook Schools Technology Use Policy" (the "Technology Highlights Page") (Handbook, at 89). The Technology Highlights Page includes the following statement: "These are guidelines to prevent the loss of computer/network privileges at school." *Id.* One of the listed guidelines was: "Do not share your computer accounts or passwords with another person." *Id.* The Handbook also includes a section titled "Cranbrook Schools Technology Use Policy" ("Technology Use Policy") (Handbook, at 98–100). The Technology Use Policy provides, in part: (1) "All users must observe appropriate password security by not sharing accounts and passwords or leaving open accounts unattended[,]" and (2) **"All violations of The Technology Use Policy are violations of a major school rule"** (emphasis in original). Likewise, in a section titled "Major School Rule Violations," the Handbook expressly provides that "[a]ny violation of the ... Technology Use Policy" constitutes "a major school-rule violation." (Handbook, at 70–71).

The Handbook also includes a section on "Disciplinary Procedures" that indicates that a Conduct Review Board ("CRB") may be utilized. That section provides, in part:

> A student who violates a major school rule or has a pattern/repetition of other violations may be called before the Conduct Review Board, made up of either or both of the Deans of Students and appointed faculty members and senior students. Parents are notified of the hearing beforehand, if possible, and informed of the decision after recommendation of the Conduct Review Board has been approved.
>
> In private, members of the Conduct Review Board assess the incident and recommend consequences for the conduct to the Head of the Upper School for final approval. In the case of recommendation for dismissal, the Head of the Upper School and the Director of Schools must give approval.

(Handbook, at 74). The Handbook discusses possible disciplinary consequences and the effect of violating a major school rule while on "Conduct Probation:"

> **Conduct Probation:** Students who violate a major school rule or have a pattern of other behavior violations can expect to be placed on Conduct Probation for an extended length of time (they may also be dismissed).... During Conduct Probation, if the student violates any school rules, she or he is subject to immediate dismissal.
>
> **Dismissal:** A student is dismissed if the offense is very serious in the eyes of the community, or if the student has already broken a major school rule or already has a pattern of any rule violations. Dismissal occurs with the recommendation of the Conduct Review Board or the administrative review process. A dismissal requires the approval of the Head of the Upper School and Director of Schools ...

(Handbook, at 75–76).

C. Relevant Conduct of Michael Dupree, Jr.

During or about the first week of Michael's senior year (in August/September 2003), he shared his password with another student, Randy Bruder. According to Michael's testimony, he shared his network password with the knowledge of one of Cranbrook's employees, Dr. Lamb, who was the de facto head of the computer department. Plaintiffs also claim that Michael changed his password with days of sharing the password with Randy Bruder and did so on several other occasions prior to March 2004. It is undisputed that, prior to March 2004, Michael was not punished for sharing his password with Randy Bruder.

***3** In March 2004, at a meeting between Michael and Dean Winter, Dean Winter discovered a pipe of some kind (a glass marijuana pipe, according to Defendants) [3] in Michael's backpack. Cranbrook administrators deemed such conduct to be a major school rule violation. A hearing was held before the CRB regarding Michael's possession of the pipe, and the CRB recommended that Michael be suspended from school. Michael was suspended from Cranbrook for three days and put on Conduct Probation until June 4, 2004, *i.e.,* his expected graduation date. On March 12, 2004, Dean Winter sent Michael and Mr. and Mrs. Dupree a letter outlining

Michael's suspension and Conduct Probation. The March 12, 2004, letter stated, in part:

> 1. Michael is being placed on Conduct Probation until June 4, 2004.
>
> Should Michael violate any major school rule or accumulate a series of minor rule violations, he would come before the committee again and could be dismissed from the school.
>
> 3. Michael is being suspended for three school days—March 11, 12 and 15....
>
> Michael's choice was not a good one. It is so important that he realizes the seriousness of his decision. He must make the decision to follow all school rules and to continue to receive all the help others are so willing to provide him. Michael will find people who do support and respect him; he needs only to respond completely to them and decide that it is time at last to focus on the remaining months of school and to complete them in top form....

In late May 2004, Cranbrook administrators became aware that students were using their computers to access tests that belonged to faculty members. Cranbrook administrators thus caused Cranbrook's Informational Technology ("IT") department to conduct an investigation regarding this activity. As a result of the investigation, on May 25, 2004, Cranbrook administrators (based on the IT department's conclusions) concluded that:

(1) Michael and another student were involved in a computer hacking decoy scheme,

(2) over 150 faculty and student IDs and passwords were in Michael's network storage,

(3) faculty final exams and other information had been accessed,

(4) there was evidence of gambling activity in Michael's account, and

(5) file transfers from the Cranbrook network were sent to the "cheezy.com" network, which was owned by Michael.

Based on the foregoing, Cranbrook administrators determined that Michael may have violated another major school rule, this time of the Technology Use Policy.

On May 26, 2004, Dean Winter and James Pickett (Cranbrook's Dean of Faculty) met with Michael. Michael admitted he had given his computer password to another student, Randy Bruder, during the school year. Michael was suspended immediately for doing so, as it constituted a major school rule violation pursuant to the Handbook. Mr. and Mrs. Dupree were notified of the suspension and a CRB hearing to be conducted the next day (May 27, 2004).

***4** On May 27, 2004, a CRB hearing was conducted concerning the allegation that Michael had provided his computer password to someone else. During the hearing, Michael again admitted that he had given his password to Randy Bruder. Based on: (1) Michael's admission to sharing the computer password, (2) the fact that Michael was on Conduct Probation, and (3) the fact that sharing the computer password constituted another major school rule violation, the CRB recommended that Michael be dismissed from Cranbrook. Later that day, Shaw and Seibert approved the dismissal recommendation made by the CRB. Shaw and Seibert concluded that Michael would be dismissed for violating the terms of his Conduct Probation. On May 28, 2004, Seibert met with Mr. and Mrs. Dupree and informed them that Michael was being dismissed from Cranbrook and that he would not graduate or receive a diploma from Cranbrook. On June 1, 2004, Dean Winter sent a letter to Plaintiffs stating that Michael "has been dismissed from Cranbrook Kingswood Upper School effective June 1, 2004."

D. Michael's Transcript

After dismissing Michael, Cranbrook issued him a transcript. Prior to issuing the transcript, Cranbrook informed Plaintiffs that: (1) Cranbrook's transcripts provided for either a "Graduation Date" or a "Withdrawal Date," (2) there were no other notations possible because the transcripts were computer generated, and (3) as Michael did not graduate, Michael's transcript would have a notation on it that stated:

Withdrawal Date	June 1, 2004

Each of Michael's transcripts issued by Cranbrook since Michael's dismissal has included that same notation. It is undisputed that: (a) Michael did not withdraw from Cranbrook, and (b) Michael was dismissed from Cranbrook.

E. Post–Cranbrook Events

After being dismissed from Cranbrook, Michael obtained a GED in June 2004. In the fall of 2004, Michael enrolled at Purdue University, a school at which he had been accepted prior to his dismissal from Cranbrook. Michael withdrew from Purdue at some point during his first semester there, apparently due to illness. Since leaving Purdue, Michael has attended numerous colleges in California and Colorado and traveled extensively. He most recently attended and graduated from the University of Denver.

G. Plaintiffs' Complaint

Plaintiffs filed a Complaint with seven counts, including the following claims: (1) Count I–Fraud and Misrepresentation; (2) Count II–Mail Fraud; (3) Count III–Wire Fraud; (4) Count IV–Extortion; (5) Count V–Violation of the Racketeer Influenced and Corruption Organization Act ("RICO"); (6) Count VI–Breach of Contract; and (7) Count VI[sic]-Attorney Fees. This case originally was assigned to Judge Robert H. Cleland. Shortly before Judge Cleland disqualified himself from the case and the case ultimately was reassigned to the undersigned, the parties filed a stipulation to allow Plaintiff to file a proposed amended complaint. In fact, Plaintiffs "filed" the proposed amended complaint on the docket. The proposed amended complaint added an eighth count, which was a claim for Specific Performance and/or Equitable Relief. Essentially, the eighth count sought the issuance of a Cranbrook diploma to Michael and revision of Michael's transcript to reflect that he graduated from Cranbrook. Judge Cleland struck the amended complaint, however, because it was not filed in compliance with Local Rules of the Eastern District of Michigan. The parties did not resubmit their stipulation at any time thereafter. Subsequent to the parties' briefing of Defendants' Motion for Summary Judgment, Plaintiffs filed a Motion for Leave to File an Amended Complaint, wherein Plaintiffs seek to re-file their proposed amended complaint.

III. LEGAL STANDARD

***5** "The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed.R.Civ.P. 56(a). *See also Celotex Corp. v. Catrett,* 477 U.S. 317, 322, 106 S.Ct. 2548, 91 L.Ed.2d 265 (1986) ("[T]he plain language of Rule 56[ ] mandates the entry of summary judgment ... against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial."). A party must support its assertions by:

> (A) citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials; or;
>
> (B) showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

Fed.R.Civ.P. 56(c)(1). "The court need consider only the cited materials, but it may consider other materials in the record." Fed.R.Civ.P. 56(c)(3).

The moving party bears the initial burden of demonstrating the absence of any genuine dispute as to a material fact, and all inferences should be made in favor of the nonmoving party. *Celotex,* 477 U.S. at 323. The moving party discharges its burden by " 'showing'-that is, pointing out to the district court-that there is an absence of evidence to support the nonmoving party's case." *Horton v. Potter,* 369 F.3d 906, 909 (6th Cir.2004) (citing *Celotex,* 477 U.S. at 325)).

Once the moving party has met its initial burden, the burden then shifts to the nonmoving party, who "must do more than simply show that there is some metaphysical doubt as to the material facts." *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.,* 475 U.S. 574, 586, 106 S.Ct. 1348, 89 L.Ed.2d 538 (1986). "[T]he mere existence of a scintilla of evidence in support of the [nonmoving party's] position will be insufficient [to defeat a motion for summary judgment]; there must be evidence on which the jury could reasonably find for the [nonmoving party]." *Anderson v. Liberty Lobby, Inc.,* 477 U.S. 242, 252, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986).

IV. ANALYSIS

A. Plaintiffs' Motion for Leave to File an Amended Complaint

Although the parties previously entered a stipulation to allow Plaintiff to file an amended complaint, the Court concludes that no such amendment shall be allowed now. First, the motion for leave to file an amended complaint was untimely. Discovery had long since closed and the parties had already fully briefed the summary judgment motion. Second, Plaintiffs seek to amend the complaint to add a new count for their claims of "specific performance and/or equitable relief." Such claims, however, are not substantive legal claims upon which relief can be had; rather, they are forms of damages which can be awarded in the event one of more Defendants is determined to be liable to one or more Plaintiffs. Third, Plaintiffs expressly and repeatedly requested in their original complaint the very relief sought in proposed count eight. (*See, e .g.,* the "WHEREFORE" paragraph at the conclusion of each of the first six counts of Plaintiffs' Complaint). Therefore, the "additional" claim/relief set forth in the proposed eighth count is both inappropriate and redundant.

***6** Accordingly, for the reasons described in this Section IV.A., the Court denies Plaintiff's Motion for Leave to File an Amended Complaint.

B. Defendants' Motion for Summary Judgment

1. Count I—Fraud and Misrepresentation

Under Michigan law, a plaintiff must prove the following to establish fraud or misrepresentation:

i. Defendant made a material misrepresentation;

ii. The material misrepresentation was false;

iii. When defendant made the misrepresentation, defendant knew it was false;

iv. Defendant made the misrepresentation intending that it should be acted upon by plaintiff;

v. Plaintiff acted in reliance upon the misrepresentation; and

vi. Plaintiff suffered injury.

Hi–Way Motor Co. v. Int'Z Harvester Co., 398 Mich. 330, 336, 247 N.W.2d 813 (1976). "Each of these facts must be proved with a reasonable degree of certainty, and all of them must be found to exist; the absence of any one of them is fatal to a recovery." *Id.*

Plaintiffs have alleged that Cranbrook and/or the individual Defendants made three misrepresentations related to Michael's enrollment at Cranbrook. The Court shall address the *HiWay* factors with respect to each of the three alleged misrepresentations.

a. *Withdrawal Date Designation on Transcript*

Plaintiffs first assert that stamping Michael's transcript with a "withdrawal date" of June 1, 2004, was a misrepresentation because Michael did not withdraw from Cranbrook. As Dean Winter and Shaw have admitted that Michael did not withdraw from Cranbrook,[4] the Court finds that Plaintiffs have shown that, as it pertains to this alleged misrepresentation, there is a evidence which creates a genuine dispute as to all six elements for a fraud or misrepresentation claim:

(1) Defendants made a material misrepresentation (*i.e.,* Michael withdrew from Cranbrook),

(2) the misrepresentation was false (Michael did not withdraw from Cranbrook, he was dismissed),

(3) Defendants knew it was false when they made it (Dean Winter and Shaw acknowledge that Michael did not withdraw),

(4) Defendants made the misrepresentation with the intent that Plaintiffs rely on it (Cranbrook/ Dean Winter/Shaw were unwilling to prepare the transcript in any other manner),

(5) Plaintiffs relied on the misrepresentation of Defendants (see discussion following paragraph (6) below), and

(6) Plaintiffs were injured as a result of the misrepresentations. Such injuries include: (a) any transcript issued by Cranbrook related to Michael has the designation "Withdrawal Date June 1, 2004" on it, (b) Michael did not graduate or receive a diploma from Cranbrook, (c) Michael had to obtain a GED (which no one disputes has a lesser value or connotation than a diploma), and (d) Mr. Dupree and Mrs. Dupree paid Cranbrook approximately $80,000 in tuition.

As to reliance by Plaintiffs on the misrepresentation of Cranbrook and/or the individual Defendants, Plaintiffs state:

> ***7** Defendant urged the Plaintiffs to rely on this misrepresentation and even told the Plaintiffs that with this misrepresentation, Cranbrook would be doing Michael a favor. [ ] If Plaintiffs wanted admission into any institute of higher learning, they had to rely on the false transcript, as it is required in the college application process. Michael had to explain that he did not in fact withdraw to colleges he applied to. He was harmed by this fraud.

The Court agrees. Plaintiffs had no choice regarding the "withdrawal" notation on Michael's transcripts-they were forced to rely on the Cranbrook transcript that stated "withdrawal," even if they wanted the transcript to say something else, because it was the only form of transcript Cranbrook would issue. In fact, to the extent Michael has needed to submit a transcript from Cranbrook since 2004, he has had to rely on and provide a transcript with the "withdrawal" notation on it, including each time he sought admission to a college or university.

The Court is not persuaded that any of the following arguments alter the Court's finding with respect to those six elements, even if all such arguments are true (as Defendants claim): (1) Plaintiffs knew in advance that Michael's transcript would have the "withdrawal date" designation stamped on it, (2) the transcript "only allows for two notations"—a graduation or withdrawal date, and (3) Cranbrook considers dismissal an involuntary form of withdrawal. Simply put, it is undisputed that Michael did not "withdraw" from Cranbrook. Thus, the Court finds that it is irrelevant that Plaintiffs knew in advance that Michael's transcripts would be stamped with a "withdrawal date," that Cranbrook's transcripts "only allowed for two notations," or that Cranbrook treats dismissals as a form of withdrawal.

Accordingly, the Court concludes that Defendants are not entitled to summary judgment as to Plaintiffs' claim for misrepresentation or fraud, insofar as it pertains to the designation of "withdrawal" on Michael's transcript.

b. *Terms of Conduct Probation*

Plaintiffs next contend that Cranbrook and/or the individual Defendants misrepresented the terms of Michael's probation. Plaintiffs claim that they were told that Michael would graduate and receive a diploma from Cranbrook if Michael: (1) completed his required credits, (2) complied with the terms of his Conduct Probation, and (3) did not have any other behavioral misconduct during the term of his probation (March 2004 to June 4, 2004). Plaintiffs rely on the March 12, 2004 letter from Dean Winter that detailed the terms of Michael's probation. That letter stated, in part, that Michael "must make the decision to follow all school rules" and finish his last few months of school in "top form." Plaintiffs note that both Seibert and Shaw have acknowledged that Michael completed his course work and received passing grades in all of the classes he needed to graduate.

***8** Plaintiffs also contend that Michael did not have any behavioral misconduct during the period of his Conduct Probation (from March 2004 to June 4, 2004) because, even if he violated the Technology Use Policy by sharing his password, such violation occurred in August/September 2003, long before his Conduct Probation commenced. Defendants argue that, if Plaintiffs' argument is credited, it would mean that Michael could never have been dismissed from Cranbrook, no matter how egregious the nature of his conduct. Defendants also argue that the terms of the March 12, 2004, letter do not indicate that Michael was immune from dismissal for conduct committed before the date of the letter but not discovered until the Conduct Probation period commenced.

For purposes of deciding Defendants' summary judgment motion, the Court is not persuaded by Defendants' arguments regarding the terms of probation. First, contrary to Defendants' position, adoption of Plaintiffs' argument does not mean that Cranbrook could not have expelled Michael for misconduct committed by Michael prior to the date of the letter. Rather, adoption of Plaintiff's argument simply means that there is a genuine dispute of material fact as to whether a student on Conduct Probation can be expelled *for violating the terms of his probation* if the precipitating misconduct occurred prior to the time the student was put on probation. Second, language in the Handbook regarding Conduct Probation supports Plaintiffs' position. *See* Handbook, at 75 (***"During*** Conduct Probation, if a student violates any school rules, she or he is subject to immediate dismissal") (emphasis added).

Third, although the language of the March 12, 2004, letter does not expressly provide that Michael would not be dismissed for misconduct committed prior to being placed on Conduct Probation, the language in the letter also does not expressly provide that misconduct committed prior to Michael's Conduct Probation could be taken into account by Cranbrook in deciding whether Michael violated the terms of his Conduct Probation. In other words, the sentence "Should Michael violate any major school rule ..., he would come before the [CRB] again and could be dismissed from the school" is susceptible to multiple interpretations.

For the reasons set forth above, the Court shall consider whether Plaintiffs' claim of misrepresentation regarding the terms of the Conduct Probation is viable.

In reviewing the record, the Court finds that Plaintiffs have established that there is a genuine dispute as to each element of alleged misrepresentation involving the terms of Michael's Conduct Probation:

(1) Defendants made a material misrepresentation (that if Michael completed his class work and prospectively "follows all school rules," he would graduate),

(2) the misrepresentation was false (Michael completed his course work and did not thereafter engage in any misconduct that violated any school rules),

***9** (3) Defendants knew the misrepresentation was false when they made it (see discussion following paragraph (6) below),

(4) Defendants made the misrepresentation with the intent that Plaintiffs rely on it (see discussion following paragraph (6) below),

(5) Plaintiffs relied on the misrepresentation (believing that if Michael did his course work and did not violate any school rules thereafter, Michael would graduate and be awarded a diploma from Cranbrook), and

(6) Plaintiffs were harmed as a result of the misrepresentation. Such injuries included Michael not graduating or receiving a diploma from Cranbrook despite: (a) completing four years of course work, and (b) payment of $80,000 in tuition by Mr. and Mrs. Dupree.

As to Defendants' knowledge that the misrepresentation was false when it was made, the Court finds that the positions taken by Cranbrook and its administrators in this case constitute sufficient evidence to create a genuine dispute of material fact on this issue. Defendants have consistently adhered to and espoused the position that student conduct that occurred prior to the imposition of Conduct Probation on that student can serve as the basis for a finding that such student violated the terms of his Conduct Probation. Yet, that position is inconsistent with plausible readings of the terms of the Conduct Probation set forth in the March 12, 2004 letter (that a student who prospectively "follows all school rules" will graduate) and/or the language in the *Conduct Probation* section of the Handbook (that a student "will be subject to immediate dismissal for violating a school rule while on Conduct Probation" only if such violation occurred after the commencement of the Conduct Probation). Similarly, the fact that Defendants sent a letter to Plaintiffs outlining the terms of Michael's Conduct Probation constitutes evidence that they made the misrepresentation with the intent that Plaintiffs rely on it.

For the reasons set forth above, the Court concludes that there is a genuine dispute of material fact as to each of the elements of Plaintiffs' claim for misrepresentation or fraud stemming from the terms of the Conduct Probation applied to Michael in March 2004.

c. *Computer Hacking Scandal*

Plaintiffs also allege that Cranbrook and/or the individual Defendants misrepresented to Michael and Mr. Dupree and Mrs. Dupree-as well as the CRB-that Michael was involved in a computer hacking scandal that resulted in faculty passwords and tests being stolen. In a light most favorable to Plaintiffs, there are genuine disputes as to material facts with respect to each of the six elements:

(1) Defendants made a material misrepresentation (Michael was involved in computer hacking at Cranbrook),

(2) the misrepresentation was false (Defendants did not charge him with any such violation of school rules and another student admitted full responsibility for the computer hacking),

(3) Defendants knew it was false when they made it (Defendants had conducted an investigation and knew that another student had confessed to the computer hacking),

***10** (4) Defendants made the misrepresentation with the intent that Plaintiffs rely on it (Plaintiffs have testified that Dean Winters, Shaw and Seibert tried to coerce a confession out of Michael by making this misrepresentation to him and Mr. and Mrs. Dupree and threatening Michael with criminal prosecution),

(5) Plaintiffs relied on the misrepresentation (among other things, Mrs. Dupree had to explain the accusations to the admissions department at Purdue), and

(6) Plaintiffs were injured as a result of the misrepresentations. Such injuries include: (1) any transcript issued by Cranbrook related to Michael has the designation "Withdrawal Date June 1, 2004" on it, (2) Michael did not graduate or receive a diploma from Cranbrook and was not issued a diploma from Cranbrook based on the alleged "withdrawal," (3) Michael had to obtain a GED to be considered a high school graduate, and (4) Mr. and Mrs. Dupree paid Cranbrook approximately $80,000 in tuition.

As such, Defendant's motion for summary judgment must be denied with respect to Plaintiffs' claim of fraud or misrepresentation based on the computer hacking allegations.

d. *Conclusion*

For the foregoing reasons, the Court concludes that Defendants' Motion for Summary Judgment must be denied insofar as it pertains to Count I.

2. Count II–Mail Fraud; Count III–Wire Fraud; Count IV—Extortion; Count V–RICO

In their motion for summary judgment and brief in support thereof, Defendants set forth a thorough argument as to why the Court should dismiss each of the following four counts of Plaintiffs' Complaint: Count II–Mail Fraud; Count III–Wire Fraud; Count IV–Extortion; and Count V–RICO. In their response brief, Plaintiffs "withdrew" all four counts, without additional comment or any argument. Accordingly, the Court grants Defendants' Motion for Summary Judgment insofar as it relates to Counts II–V.

3. Count VI–Breach of Contract

The parties agree that the contract at issue is the Enrollment Contract prepared by Cranbrook with respect to Michael's enrollment at Cranbrook the 2003–2004 school year. The Court first turns its attention to Defendants' contention that the Enrollment Contract was between only Mr. Dupree and Cranbrook, a contention Plaintiffs do not address. It is undisputed that the Enrollment Contract, provided by Cranbrook, was signed by Mr. Dupree, apparently on February 3, 2003. Defendants Dean Winter and Shaw were not parties (or even signatories) to the Enrollment Contract. Likewise, neither Mrs. Dupree nor Michael signed the Enrollment Contract. Accordingly, the Court concludes: (1) Dean Winter, Shaw, Mrs. Dupree and Michael are not, and were not, bound by the terms of the Enrollment Contract, [5] and (2) only Mr. Dupree and Cranbrook are parties to the Enrollment Contract.

In order for Mr. Dupree to recover on the breach of contract claim, Plaintiffs must prove that Cranbrook breached the terms of the Enrollment Contract and that the breach caused injury to Mr. Dupree. *In re Brown,* 342 F.3d 620, 628 (6th Cir.2003). In their motion for summary judgment, Defendants argue that Michael violated the terms of his Conduct Probation, "the terms of which specified he could be dismissed any time prior to June 4, 2004. His dismissal was in accordance with the terms of the Enrollment Contract, and Plaintiffs cannot establish their claim." Plaintiffs assert that Michael's "behavior was not unsatisfactory and he did comply with the terms of his probation and completed his probation and completed his academic requirements." Plaintiffs further assert that Defendants' contention that Michael "could be dismissed at any time" is evidence that Defendants acted "arbitrarily and capriciously" and not in good faith.

***11** The Enrollment Contract provides that Mr. Dupree "specifically understand[s] and agree[s] that the Schools reserve the right to dismiss Michael at any time if, in the judgment of the Schools, Michael's ... behavior ... is unsatisfactory ..." As such, Cranbrook had the discretionary right to dismiss Michael from Cranbrook if Cranbrook determined that Michael was engaged in unsatisfactory behavior. Such discretion is not unusual in a contract, however, such discretion is not unfettered. It is a well-settled principle of law that such discretion must be exercised in good faith. [6] *See, e.g., Toussaint v. BCBSM,* 408579, 622–23, reh'g denied, 409 Mich. 1101 (1980) ("The employer may discharge under a satisfaction contract so long as he is in good faith dissatisfied with the employee's performance or behavior."); *Burkhardt v. City Nat'l Bank of Detroit,* 57 Mich.App. 649, 226 N.W.2d 678 (1975 ("Where a party makes the manner of its performance a matter of its own discretion, the law does not hesitate to imply the proviso that

such discretion be exercised honestly and in good faith. See 3A Corbin, contracts, § 644, pp. 78–84."). *See also Maida v. Retirement & Health Servs. Corp.,* 36 F.3d 1097, 1994 WL 514521, at *4 (6th Cir.1994) (citations omitted); *Midland Linseed Prods. Co. v. Charles R. Sargent Co.,* 281 F. 704 (6th Cir.1922).

In this case, the Court finds that there is a genuine dispute of material fact as to whether Cranbrook's decision to dismiss Michael for unsatisfactory behavior was made in good faith. As discussed above, Cranbrook dismissed Michael for violating the terms of his Conduct Probation. The terms of the March 12, 2004 letter and the language of the *Conduct Probation* section of the Handbook, however, may reasonably be interpreted to allow dismissal only for behavior or performance issues of the student that occur after he or she is placed on Conduct Probation. As Cranbrook indisputably relied on misconduct committed by Michael prior to the imposition of his Conduct Probation when it determined that Michael violated his Conduct Probation, there is a genuine dispute as to whether Cranbrook could, in good faith, dismiss Michael from school for violating the terms of his Conduct Probation.

Finally, Defendants note that the uncontroverted testimony of Seibert was that, before a student can graduate and be awarded a diploma, a formal faculty vote is required. The formal faculty vote occurs the day before graduation each year; thus, for Michael's class, the formal faculty vote regarding student graduations/diplomas was held on June 3, 2004. As Michael had been dismissed from Cranbrook effective June 1, 2004, no faculty vote was taken on his candidacy for graduation. As such, Defendant contends that Michael had not met all the prerequisites to graduate and receive a diploma from Cranbrook. The Court finds this argument unpersuasive. First, there is no evidence that Michael's graduation and receipt of a diploma was not put to a formal faculty vote for any reason other than the fact that he was dismissed. Second, the record reflects that Michael had done everything else necessary to graduate and be awarded a diploma (*i.e.,* he completed all classes and exams).

***12** Accordingly, for the reasons set forth above, the Court holds finds that there is a genuine dispute of material fact as to whether Cranbrook breached the Enrollment Contract. Therefore, the Court concludes that Defendants are not entitled to summary judgment with respect to Plaintiffs' breach of contract claim in Count VI.

4. Count VII–Attorney Fees

The Court notes that the parties did not address Plaintiffs' claim for attorney fees pursuant to 42 U.S.C. § 1998[sic] when briefing the motion for summary judgment. If and when the issue of attorney fees is raised by one or more parties—and the issue is ripe for consideration—the Court will address the appropriateness of attorney fees in this case.

5. Conclusion

For the reasons set forth in this Section IV.B., the Court denies Defendants' Motion for Summary Judgment.

C. Defendants' Request for Attorney Fees and Costs re: Counts II–V

As set forth above, Defendants raised and fully briefed the reasons why Counts II–V of Plaintiffs' complaint should be dismissed on summary judgment. In response, with respect to each of those four counts, Plaintiffs stated simply-without any argument or briefing of the issues: "Plaintiffs withdraw their [ ] claim." Defendants assert that, as required by Eastern District of Michigan Local Rule 7.1(a), Defendants' counsel contacted Plaintiffs' counsel prior to filing the summary judgment motion. Defendants further assert that Plaintiffs' counsel "never responded to that telephone call." Relying on 28 U.S.C. § 1927, Defendants now seek sanctions for having to defend through to summary judgment the meritless claims set forth in Counts II–V. 28 U.S.C. § 1927 provides:

> Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct.

The entirety of Plaintiffs' response to Defendants' request is set forth in Plaintiffs' Sur–Reply brief, as follows:

> In addition, Defendants argue in their Reply that Plaintiffs should be

> sanctioned for ultimately concurring with Defendants regarding the dismissal of Plaintiffs' federal law claims. Plaintiffs should not be sanctioned for their actions. To do so would render the requirement of seeking concurrence in a motion mere surplusage and run counter to judicial economy.

The Court finds Plaintiffs' response to be an illogical and irrational reading of the requirement of Local Rule 7.1(a). Local Rule 7.1(a) states:

> The movant must ascertain whether the contemplated motion, or request under Federal Rule of Civil Procedure 6(b)(1)(A), will be opposed. If the movant obtains concurrence, the parties or other persons involved may make the subject matter of the contemplated motion or request a matter of record by stipulated order.

***13** The purpose of Local Rule 7.1(a) is to preclude the incurrence of unnecessary fees, costs and expenses by the party who intends to file the motion where the non-moving party concurs with the relief sought by the party intending to file the motion. If the non-moving party's concurrence is not given until after the motion is filed, the purpose of avoiding unnecessary expenditures is rendered moot because the moving party necessarily will have already expended the time and money in researching and drafting the motion, or applicable portion thereof. Thus, the Court finds that the requirement to seek concurrence in advance of filing the motion is not "mere surplusage" nor does it "run counter to judicial economy."

In fact, this case provides a model example of why Local Rule 7.1(a) is in place. Defendants sought Plaintiffs' concurrence in the motion for summary judgment. Having failed to obtain concurrence in all or part of their motion, Defendants filed a motion for summary judgment that fully briefed the issues raised by the claims asserted by Plaintiffs in Counts II–V. If Plaintiffs' counsel had responded to Defendants' counsel's call and agreed that "withdrawal" of Counts II–V was appropriate, Defendants would not have had to file those portions of the motion for summary judgment that pertained to Counts II–V. In other words, Defendants may not have incurred the expenses associated with moving for summary judgment on those four counts. The Court does, however, agree with one part of the response in Plaintiffs' Sur–Reply brief: "Plaintiffs should not be sanctioned for their actions." That statement is true-because it is Plaintiffs' counsel who should, and will, be sanctioned for failure to respond to Defendants' counsel's efforts to obtain concurrence.

As to determining a reasonable sanction amount in this case, the Court has considered the following. First, the briefing regarding Counts II–V took up about five pages of Defendants' brief in support of their motion for summary judgment. Second, in all of their filings, Defendants have not requested any specific amount that would compensate Defendants for "the excess costs, expenses, and attorneys' fees reasonably incurred because of" Plaintiffs' counsel's failure to concur. Likewise, Defendants have not provided the Court with any invoices that might be helpful in ascertaining such an amount. Thus, requiring Defendants to do so now would require Defendants to incur additional expenses in order to provide the Court with such materials, and the Court typically does not include such expenses in assessing sanctions.

Third, although Defendants' counsel sought concurrence from Plaintiffs' counsel prior to filing the motion for summary judgment, such concurrence was sought only one day prior to the day the motion for summary judgment was filed. In the experience of the Court, this means it is highly probable that Defendants' counsel had already completed their research on all four counts-and likely the drafting of the motion and brief-prior to seeking concurrence. In other words, Defendants would have incurred essentially the same expense even if concurrence had been obtained. In addition, given that the motion was filed only one day after the request for concurrence, it is highly possible that Plaintiffs' counsel did not have an adequate opportunity to respond-at least in an informed, reasoned manner-to the request for concurrence before the motion for summary judgment was filed.

***14** For all of the foregoing reasons, the Court concludes that Two Hundred Fifty Dollars ($250.00) is a reasonable sanction against Plaintiffs' counsel for failing to concur in the dismissal of Counts II–V prior to Defendants filing the motion for summary judgment. Plaintiffs' counsel shall pay

such amount to Defendants' counsel within 60 days of the date of this Opinion and Order.

V. CONCLUSION

Accordingly, and for the above reasons, IT IS HEREBY ORDERED that Defendants' Motion for Summary Judgment (Docket # 21) is DENIED.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Leave to File a Sur–Reply (Docket # 25) is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Leave to File an Amended Complaint (Docket # 26) is DENIED.

IT IS FURTHER ORDERED that Plaintiffs' counsel shall pay to Defendants' counsel the amount of $250.00 within 60 days of the date of this Opinion and Order.

IT IS FURTHER ORDERED that counsel for the parties appear for a Final Pre-trial Conference on June 12, 2012, at 11:00 A.M., 526 Water Street, Port Huron, MI. All counsel must be present, as well as the clients and/or those with full settlement authority. The proposed joint final pretrial order, along with joint-agreed upon jury instructions, shall be submitted to the Judge's Chambers at the Final Pretrial/Settlement Conference. If necessary, the case will be scheduled for a trial date at the conference.

IT IS SO ORDERED.

All Citations

Not Reported in F.Supp.2d, 2012 WL 1060082

Footnotes

1 Plaintiffs also filed a Motion for Leave to File a Sur–Reply (Docket # 25) with respect to Defendants' Motion for Summary Judgment. Defendants have responded and opposed the filing of a sur-reply. After reviewing Plaintiffs' Motion for Leave to file a Sur–Reply, the Court concludes that granting the Motion is appropriate because it addresses arguments first raised by Defendants in their reply. Accordingly, Plaintiffs' Motion for Leave to File a Sur–Reply (Docket # 25) is GRANTED. Plaintiffs shall immediately file such Sur–Reply (in exactly the form as it is set forth in Exhibit 4 to their Motion for Leave to File a Sur–Reply) on the Court's docket. In addition, the Court hereby notifies the parties that, for purposes of analyzing and deciding the issues raised in conjunction with Defendants' Motion for Summary Judgment, the Court has considered and taken into account the arguments set forth in the Sur–Reply.

2 As to Plaintiffs' Motion to File an Amended Complaint, the Court finds that the facts and legal arguments are adequately presented in the parties' papers such that the decision process regarding that motion would not be significantly aided by oral argument. Therefore, pursuant to E.D. Mich. L.R. 7.1(f)(2), it is hereby ORDERED that Plaintiffs' Motion to File an Amended Complaint be resolved on the briefs submitted.

3 As Defendants conceded at the hearing, the pipe was not sent to a lab or otherwise tested for the presence of any controlled substance or drug residue.

4 The Court also notes that the Handbook provides that “withdrawal means withdrawal from school for any reason **other than dismissal** or extended medical absence” (emphasis added). As defined in the Handbook, “dismissal means severance from all classes for the balance of the school year, which is at the direction of the school authorities, due to either academic or disciplinary reasons.” Such language constitutes further evidence that Michael's dismissal could not be considered a “withdrawal” from Cranbrook.

5 The Court's analysis of Plaintiffs' breach of contract claim would be the same if some or all of the other named parties in this lawsuit were bound by the terms of the Enrollment Contract.

6 There are other limitations on such discretion, *e.g.,* a person cannot be dismissed on the basis of a prohibited discriminatory motive (such as race or gender), but such limitations are not at issue in this case.

APPENDIX 3

2005 WL 8154851
Only the Westlaw citation is currently available.
United States District Court, E.D. Michigan, Southern Division.

John Eric SANDLES, Plaintiff,
v.
U.S. MARSHAL'S SERVICE, et al., Defendants.

Case No. 04-72426
|
Signed 06/24/2005

Attorneys and Law Firms

John Sandles, Milan, MI, pro se.

Francis L. Zebot, U.S. Attorney's Office, Detroit, MI, for Defendants.

REPORT AND RECOMMENDATION AND ORDER DENYING PLAINTIFF'S MOTION TO AMEND

Steven D. Pepe, United States Magistrate Judge

***1** Plaintiff John Sandles is a prisoner in the custody of the Michigan Department of Corrections. On August 18, 2004, he filed this action under the Federal Tort Claims Act ("FTCA") alleging that he had been assaulted, threatened, and denied medication. Defendant United States Marshal Service ("USMS") filed a Motion to Dismiss on January 18, 2005 (Dkt. no. 13). On February 15, 2005, Plaintiff filed a reply to Defendant's Motion to Dismiss, in which he asks the Court to amend his complaint to change the Defendant from the USMS to the United States. Because Plaintiff has filed his action against an improper party defendant and an action against the proper party defendant is now barred by the statute of limitations, it is recommended that Defendant's Motion to Dismiss be GRANTED.

I. FACTUAL AND PROCEDURAL BACKGROUND

A. Facts

After a jury trial before Judge Steeh, Plaintiff, representing himself with standby counsel, was convicted of bank robbery. (*United States v. Sandles*, E.D. Mich. No. 00-CR-80590). Prior to his sentencing, Plaintiff alleges illegal acts by the USMS, the United States Marshal for the Eastern District of Michigan and eight unknown USMS deputies. (Complaint, IV. Statement of Claim, at p. 3). He is suing for damages of $ 25,000,000.00.

Plaintiff essentially makes two claims against the USMS. (*See* Complaint & various attachments, especially "Claim 1" & "Claim 2"). During his pretrial detention, Plaintiff was primarily held at the Wayne County Jail ("WCJ"). He alleges the USMS housed him in these facilities while aware that the WCJ personnel failed to place him in the psychiatric unit and did not provide him with his psychotropic medication on various dates in late 2001 and 2002. Plaintiff alleges that without his medication he was not competent to represent himself at trial, in which he was convicted after a jury trial and sentenced on November 27, 2002. (*See* Complaint, at p.4 and "Certified Ex-Parte Motion for Appointment of Expert Psychiatirist to Examine Defendant and Provide an Opinion as to Defendant's Competency to Represent Himself During Those Periods of Time He Was Denied Psychotropic Medication, etc.").

Plaintiff also claims he was assaulted at WCJ, resulting in medical treatment requiring 29 stitches to his head. He says he indirectly warned the USMS before the incident through a phone call, on October 8, 2002, from WCJ Social Services to Marcia Beauchemin, Court Clerk to Judge Steeh, that he had been threatened by WCJ personnel, assaulted by WCJ personnel in the past, and asked to be moved. (*See* Complaint, at p. 3 & attachments to Complaint & phone request form). Plaintiff alleges the USMS ignored his warning in order to assure assault. (*See* Complaint, at p. 4).

B. Procedural Background

On April 14, 2003, Plaintiff filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against the USMS and other defendants. *John Eric Sandles v. Agent Calahan, et al.*, Case No. 03-71438. His complaint against the USMS contained claims and a statement of facts that are verbatim duplicates of the one filed in this case. Judge Duggan dismissed Plaintiff's case, without prejudice, pursuant to 28 U.S.C. § 1915(c)(2)(B) for failure to state a claim upon which relief may be granted and pursuant to 42 U.S.C. § 1997c(a) for failure to demonstrate exhaustion of federal and state administrative remedies. Because Plaintiff's § 1983 claim addresses the validity of his conviction, ruling on the claim would necessarily imply the invalidity of his continued confinement and sentence. Following *Heck v. Humphrey*, 512 U.S. 477, 487, 114 S. Ct. 2364 (1994), a district court must dismiss a complaint to recover damages for conviction or

imprisonment, under 42 U.S.C. § 1983, unless a plaintiff shows his sentence or conviction has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court's issuance of a writ of habeas corpus. Because Plaintiff failed to show that his conviction has been invalidated, his § 1983 claim was dismissed.

II. ANALYSIS

A. Standard of Review

***2** Plaintiff has been granted *in forma pauperis* status. *See* 28 U.S.C. § 1915(a). Under the Prison Litigation Reform Act, Pub. L. No. 104-134, 110 Stat. 1321 (1996) ("PLRA"), the Court is required to *sua sponte* dismiss an *in forma pauperis* complaint before service on a defendant if it determines that the action is frivolous or malicious, fails to state a claim on which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief. *See* 42 U.S.C. § 1997(c); 28 U.S.C. § 1915(c)(2)(B).

1. *Motions to Amend*

Fed. R. Civ. P. 15(a) provides that a leave to amend "shall be freely given when justice so requires." In the absence of undue delay, bad faith or dilatory motive, repeated failures to cure deficiencies, prejudice to the opposing party, or futility, the leave to amend should be freely granted. *See Foman v. Davis*, 371 U.S. 178 (1962); *Crawford v. Roane*, 53 F.3d 750, 753 (6th Cir. 1995). An amendment is futile when the proposed claim would not withstand a Rule 12(b)(6) motion to dismiss for failure to state a claim. *See Blakely v. United States*, 276 F.3d 853, 874-75 (6th Cir. 2002).

2. *Failure to State a Claim Under Fed. R. Civ. P. 12(b)(6)*

In deciding a motion to dismiss under Fed. R. Civ. P. 12(b)(6), a court must accept all well-pleaded allegations as true and construe them in the light most favorable to plaintiff. *See Zinermon v. Burch*, 494 U.S. 113, 117 (1990); *see also Jenkins v. McKeithen*, 395 U.S. 411, 421-22 (1969); *Westlake v. Lucas*, 537 F.2d 857 (6th Cir. 1976). A complaint will not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief. *See Conley v. Gibson*, 355 U.S. 41, 45-46 (1957). Moreover, *pro se* complaints are to be construed liberally, *Haines v. Kerner*, 404 U.S. 519, 520 (1972). It is also well-established, however, that conclusory, unsupported allegations of constitutional deprivation do not state a claim.

A court may decide a motion to dismiss only on the basis of the pleadings. *See Song v. City of Elyria, Ohio*, 985 F.2d 840, 842 (6th Cir. 1993). Dismissal is appropriate if the complaint fails to set forth an allegation of a required element of a claim. *See Craighead v. E.F. Hutton & Co.*, 899 F.3d 485, 489-90 (6th Cir. 1990). The court may treat the motion to dismiss as one for summary judgment, however, if "matters outside the pleadings are presented to and not excluded by the court." Fed. R. Civ. P. 12(b).

B. United States Marshal's Service is an Improper Party Defendant

Plaintiff is not permitted to name the USMS as a defendant in this cause of action. The United States is the only proper party in an action pursuant to the FTCA. *Mars v. Hanberry*, 752 F.2d 254, 255 (6th Cir. 1985). Under 28 U.S.C. § 2679(a), "the authority of any federal agency to sue or be sued in its own name shall not be construed to authorize suits against such federal agency on claims which are cognizable under 28 U.S.C. § 1346(b)"; *Mars*, 752 F.2d at 255-56; *Hughes v. United States*, 701 F.2d 56, 58 (7th Cir. 1982) (dismissal of FBI under FTCA). Therefore, the USMS should be dismissed as an improper party defendant.

C. Plaintiff's Request to Amend the Complaint

In Plaintiff's Reply, he requests the Court amend his complaint to change the defendant from the USMS to the United States. The Federal Rules of Civil Procedure 15(a) provides that leave to amend "shall be freely given when justice so requires." Yet, futility is a basis for denying leave to amend. *VanDenBroeck v. Common Point Mortgage Co.*, 210 F.3d 696, 700 (6th Cir. 2000).

***3** Plaintiff has failed to file a claim against a proper party defendant within the statute of limitations. Under 28 U.S.C. § 2401(b):

> a tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within two years after such a claim accrues or unless action is

> begun within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented.

All of the alleged incidents occurred before Plaintiff was sentenced on November 27, 2002. Plaintiff's request to amend his complaint against the United States, made on February 15, 2005 in his Reply, is outside the two-year period of the statute of limitations. Thus, Plaintiff is unable to bring a cause of action against the United States, and Plaintiff's request to amend the complaint should be denied.

D. Action is Barred for Failure to Invalidate the Conviction or Sentence

Finally, even if the statute of limitations did not prevent Plaintiff from filing a tort claim against the United States, he would still be barred by the principle expressed in *Heck v. Humphrey*. Under *Heck*, a "district court must consider whether a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence; if it would, the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or sentence has been invalidated." *Heck*, 512 U.S. at 487. While the *Heck* case dealt with a § 1983 claim, the principle has been extended to FTCA claims. *Parris v. United States*, 45 F.3d383, 384-85 (10th Cir.), cert. denied, 514 U.S. 1120 (1995); see *Blakely v. United States*, 276 F.3d 853, 866 (6th Circ. 2002) (citing unpublished case *Bradshaw v. Jayaraman*, 205 F.3d 1339, 1999 WL 1206870 (6th Cir.) (applying *Heck* to FTCA claims)). Because Plaintiff's FTCA claim would call into question his conviction and sentence and he has not alleged or challenged the court's decision, Plaintiff's complaint should be dismissed.

III. RECOMMENDATION

For the reasons stated above, Plaintiff's request to amend is denied and the Defendant's Motion to Dismiss should be GRANTED.

Any objections to this Report and Recommendation must be filed within ten (10) days of its service. 28 U.S.C. § 636(b)(1); E.D. Mich. LR 72.1(d)(2). Failure to file objections within the specified time constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Ivey v. Wilson*, 832 F.2d 950, 957-58 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Within ten (10) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be not more than twenty (20) pages in length unless by motion and order such page limit is extended by the Court. The response shall address specifically, and in the same order raised, each issue contained within the objections.

All Citations

Not Reported in Fed. Supp., 2005 WL 8154851

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