

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

JOHN DOE MC- 81,

Case No.

Plaintiff,

Hon.

vs.

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

Jointly and Severally,

Defendants.

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COMPLAINT AND JURY DEMAND

NOW COMES Plaintiff, John Doe MC- 81, by and through his attorneys,
Michael A. Cox, Jackie Cook and The Mike Cox Law Firm, PLLC, as well as David

J. Shea, Ashley D. Shea and Shea Law Firm PLLC, and for his Complaint against The University of Michigan (UM) and the Regents of the University of Michigan (Regents), collectively referred to as “Defendants,” states as follows:

I. INTRODUCTION

1. While employed as a physician by UM from the early 1960s until 2003, Dr. Robert Anderson (Anderson) used his position to repeatedly and regularly sexually assault university students, many of whom were students and student-athletes.

2. As early as 1968, or on information and belief even much earlier, UM received complaints from male students, including self-identified gay 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, including from Plaintiff John Doe MC-73, that Anderson was sexually assaulting male students during medical examinations on campus.

4. Despite UM’s promise to terminate or move Anderson from clinical duties in response to these complaints, UM instead 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, swimming, and track, until he retired in 2003.

5. While a UM student, Plaintiff used UHS, also known as the Student Health Services, and the UM Hospital Medical System, for medical treatment.

6. Plaintiff – and all UM students then and now – were encouraged by the UM’s administration to use the UHS for all medical care.

7. At freshmen orientation prior to his first semester at UM, Plaintiff and all other fellow freshmen, and their parents, were made aware of and encouraged to use the UHS’ services.

8. As a student, Plaintiff paid a mandatory fee for use of the UHS, with all visits “free” if the fee was paid.

9. Then and now, UM has touted its medical services, both at the UHS and the UM Hospital, to its student as, among other things (with these words and words to the same effect), “one of the largest health care complexes in Michigan”, the site of “many groundbreaking medical and technological advancements”, “delivering the Michigan Difference through cutting-edge research and premier patient care”, and “among the best in the nation in a broad range of adult and pediatric specialties.”

10. Plaintiff relied on UM’s representations about its premier patient care, and its excellent and ethical doctors and facilities.

11. As a result of these representations, Plaintiff saw Anderson for medical care while attending the UM, and Anderson sexually assaulted and abused Plaintiff under the guise of medical treatment.

12. UM is responsible for Plaintiff's damages stemming from Anderson's sexual assaults on UM's campus, as UM placed vulnerable male students, like Plaintiff, and later vulnerable student athletes, in Anderson's care despite knowing he was a sexual predator.

13. This is a civil action against UM for declaratory, injunctive, equitable, and monetary relief for injuries sustained by Plaintiff 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 Plaintiff while a UM student.

14. Plaintiff files this case anonymously because of the extremely sensitive nature of the case as Plaintiff was a victim of sexual assault, and the suit will require disclosure of information "of the utmost intimacy"; Plaintiff is therefore entitled to protect his identity in this public filing by not disclosing his name. *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

15. 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.

16. This Court has original subject matter jurisdiction under 28 U.S.C. § 1343 as this is a civil action authorized by law brought by a person 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.

17. 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.

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

19. The events giving rise to this lawsuit occurred in Washtenaw County, Michigan which sits in the Southern Division of the Eastern District of Michigan.

20. 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.

21. Plaintiff's Complaint is timely filed within the applicable statutes of limitations.

III. PARTIES

22. Plaintiff is a resident of the State of Massachusetts.

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

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

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

26. 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

27. From the early 1960s 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 students and student-athletes.

28. On or about September 1, 1966, UM appointed Anderson to the position of Clinical Instructor in Internal Medicine and Clinical Instructor in Surgery, Medical School and the Senior Physician of UHS. On information and belief, in the early 1960s, UM began employing Anderson to treat students and student-athletes.

29. It was sometime soon after beginning employment with UM that, according to Ambassador Ron Weiser, the current chair of the UM Regents, Anderson abused Ambassador Weiser while Weiser was a freshman wrestler at UM in 1962 or 1963.

30. On or about October 1, 1968, UM promoted Anderson to UHS Director, and Anderson continued 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.

31. 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."

32. 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."

33. Bailey filed a written complaint with the UM health service and filled

out a form, complaining that Anderson had dropped his pants and asked him to fondle his genitals during the exam.

34. 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.

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

In 1969, a scholarship gymnast tried to talk to Coach Newt Loken about Anderson's conduct, and so gave notice to the Athletic Department and UM.

36. In 1969, former University of Oklahoma and Washington State gymnastics coach Ward Black saw Anderson for a physical examination for the first time as a freshman scholarship gymnast at UM.

37. During this 1969 physical Anderson digitally penetrated Black's anus.

38. Afterward, Black tried to express his concern about this act to his UM gymnastics coach, Newt Loken, by stating to Coach Loken words to the effect of "what was up with Dr. A?". In response, Coach Loken patted Black on the knee, smiled a "wry Cheshire grin", and changed the subject.

39. Based on that reaction, Black "knew he knew. We all knew he knew" and did not complain again.

40. At that time Coach Loken was an agent of both the Athletic Department and UM.

41. Coach Loken continued to coach the gymnastics team until 1983 and remained affiliated with the gymnastics program and Athletic Department until, at least, 2007.

In 1973, Anderson fondles a student at the University Health Services Clinic

42. 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).

43. 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 continued to employ Anderson until his voluntary retirement in 2003.

Anderson inappropriately touches the breasts and vagina of UM varsity tennis player Cathy Kalaher in 1973 and a UM counselor dismisses Ms. Calaher's assault as a fantasy.

44. In 1973, Anderson performed a mandatory tennis team physical exam of then UM tennis player Cathy Kalaher.

45. During this exam, Anderson inappropriately touched and commented on the size of Ms. Kalaher's breasts.

46. Anderson further inappropriately touched Ms. Kalaher's vagina.

47. After a few months of enduring the resultant shock and distress from

these attacks, Ms. Kalaher visited an on-campus, UM counselor seeking relief and assistance.

48. Ms. Kalaher told the counselor about Anderson's assaults.

49. The UM counselor dismissed Ms. Kalaher's complaints as "fantasy" and apparently did nothing to stop future assaults by Anderson.

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

50. 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.

51. In 1975, UM student and scholarship member of UM's wrestling team, Tad Deluca, 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).

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

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

54. Director Canham did not investigate the sexual abuse complaints against Anderson, and instead, upheld the revocation of Deluca's athletic scholarship.

55. During this time both Coach Johannesen and AD Canham were agents of the Athletic Department and UM.

56. Deluca had to hire an attorney and appeal to UM's Board of Intercollegiate Athletics to have his scholarship reinstated.

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

57. Plaintiff John Doe MC-16, who filed a similar complaint against UM in Case 2:20-cv-10622-VAR-EAS in the Eastern District on March 8, 2020, attended UM in the 1970s on a track athletic scholarship.

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

59. 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 penis and testicles during Anderson's medical examinations.

60. Anderson had already digitally penetrated John Doe MC-16's anus at the time John Doe MC-16 told coaches Harvey and Warhurst about the genital

groping, but John Doe MC-16 was too embarrassed to tell his coaches about the penetration.

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

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

63. It was this type of indifference and acceptance and promotion of Anderson's acts by coaches that normalized Anderson's acts as required medical acts or treatment for all athletes across all teams as just part of participating in UM athletics.

64. This was even more so where the prior year Athletic Director Canham's indifference to Tad DeLuca's complaint about Anderson de facto normalized and enshrined Anderson's acts as simply "department policy" or protocol for the medical treatment of all athletes.

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

66. During this same period both Coach Harvey and Coach Warhurst were agents of the Athletic Department and UM

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

67. According to records of the Washtenaw County Prosecutor's Office, in 1979 a then-graduate student at the UM was seen by Anderson at the UHS when 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."

68. This graduate student complained loudly to the desk clerk, and then an administrator, both of whom "dismissed" him and ordered a security guard to escort him 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.

69. According to the then-Vice President of Student Life at UM, Thomas "Tom" Easthope, through a statement to Detective West of the UM Division of Public Safety and Security, in 1979, a UM Student Life employee and local UM activist told Easthope that Anderson had assaulted several members of the gay community at UM.

70. Easthope, who as Vice President of Student Life had supervisory oversight of the UHS, minimized Anderson's sexual abuse by depicting Anderson's actions as "fooling around with boys in the exam room."

71. Indeed, the same gay UM Student Life employee who made the report

to Easthope had personal knowledge of Anderson's abuse: when that Student Life employee was examined by Anderson during a routine physical, Anderson stuck his finger in the Student Life employee's anus, and when the employee 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.

72. As told by Easthope to Det. West, Easthope decided to terminate Anderson but was nervous because Anderson was "big shot" at UM.

73. Easthope reported he confronted Anderson about knowing Anderson abused several people that were in the gay community and that he was "fooling around in the exam rooms" with male students and Anderson "did not deny" Easthope's accusations.

74. According to Easthope, Easthope told Anderson, "You gotta go."

75. Instead of firing Anderson, Easthope alleged he decided to allow Anderson to resign to avoid an employee termination fight which would delay Anderson's leaving his job, and presumably, the UM.

76. During this time, Easthope was an agent of UM.

77. At a minimum, neither Easthope nor his superiors or subordinates followed up to ensure that Anderson left the UM after his severance from UHS.

78. This lack of diligence occurred despite the fact that when Easthope was recently confronted about Anderson, Easthope estimated "I bet there are over 100

people that could be on that list (of young men abused by Anderson).”

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

80. Instead of termination, 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.

81. Indeed, Athletic Director Canham created, for the first time, a paid “formal” position of athletic team physician to accommodate Anderson in 1980. See, The Ann Arbor News, June 10, 1999, p. B7.

82. Dana Mills, the then Administrative Manager at the UHS, said the “V.P.’s Office” would have been responsible for Anderson’s transfer to the Athletic Department.

83. 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.”

84. Indeed, UM went so far as to overtly and fraudulently conceal (with

Anderson's assent) Anderson's predatory sexual conduct against college age gay males and intentionally conceal the reason for Anderson's 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.

85. The UM outright 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."

86. UM outright lied when it described Anderson's departure as voluntary and lauded his "leadership" when UM and its executives knew that (a) Easthope terminated 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 go to the Athletic Department.

87. 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 complaining in order to compete in their sport.

88. After his demotion for sexually abusing students on campus, Anderson was held up and regarded as “the” medical authority of the athletic department, including the football team, for decades 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.

89. Plaintiff John Doe MC-27, who filed a similar complaint against UM in Case 2:20-cv-10785-VAR-EAS on March 26, 2020, attended UM in the 1980s and 1990s on athletic scholarship for football.

90. During John Doe MC-27’s first physical examination by Anderson, Anderson groped, fondled, and cupped John Doe MC-27’s penis and testicles for an excessively long time while Anderson’s face was within inches of John Doe MC-27’s penis and testicles.

91. John Doe MC-27 encountered longtime UM trainer Paul Schmidt and other trainers as he (John Doe MC-27) exited this initial, inappropriate freshman football physical examination by Anderson.

92. Seeing that John Doe MC-27 was exiting his examination by Anderson, trainer Paul Schmidt laughed and told John Doe MC-27 “get used to that

(Anderson's examination).”

93. The other trainers laughed as well, and it was clear to John Doe MC-27 that Schmidt and the other trainers knew what Anderson was doing in the exam room to athletes.

94. It was this type of indifference and acceptance of Anderson's acts by trainers that also normalized Anderson's acts as required medical acts or treatment for all athletes across all teams as just part of participating in UM athletics.

95. During this time Paul Schmidt and the other trainers were agents of the Athletic Department and UM.

96. 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.

97. It is a sign of Anderson's continued power and influence at the UM that UM adopted mandatory student-athlete physicals only after Anderson recommended this mandate; which, of course, gave Anderson increased access to male student-athletes.

98. It is a further sign of Anderson's power and influence at the UM that Anderson travelled with the 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.

99. Archived records at the UM's Bentley Library describe Anderson's influence within the Athletic Department was such that he was able to squash a proposal to allow the athletes more latitude in choosing treatment by doctors other than Anderson.

100. 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 that he was preying on.

101. Anderson treated UM athletes for every medical ailment, complaint, and injury as their UM-assigned internist. 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.

102. During his employment, agency, and representations with UM, Anderson sexually assaulted, abused and molested male students and student-athletes by engaging in nonconsensual sexual touching, assault, and harassment, including but not limited to medically unnecessary genital manipulation and digital anal penetration.

103. Because UM took no action to investigate the complaints from students

that began as early as 1968, or earlier, and took no corrective actions even after Easthope attempted to fire Anderson in 1979, students and student-athletes were sexually assaulted, abused and molested by Anderson through nonconsensual digital anal penetration, and nonconsensual sexual touching of genitals.

104. 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 done to heal them but rather to satisfy Anderson's sexual desires.

105. 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 they did not know that they were victims of assault at the time it occurred.

106. 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, that the treatments were medically necessary or helpful.

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

108. On information and belief, UM then requested the UM police department to open a non-public investigation, but UM did not take further action to notify former students and/or the public about the allegations and/or investigation

until 19 months later.

109. 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.”

110. As stated above, at least one of the UM Board of Regents has personal knowledge that the complaints received on July 18, 2018, were and are true: Ron Weiser, chairman of the UM Board of Regents.

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

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

113. UM and the UM Board of Regents’ 19-month delay in notifying the public and alumni about Anderson’s abuse of gay male students and 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, and government scrutiny regarding their mishandling of sexual harassment and sexual assault by faculty members, including, but not limited to by Professor David Daniels; several Title IX complaints by students in recent years; and complaints of sexual

misconduct and inappropriate behavior against Provost Martin Philbert.

114. At all relevant times, Anderson maintained an office at UM in Ann Arbor, Michigan.

115. 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.

116. 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.

V. PLAINTIFF'S SPECIFIC FACTUAL ALLEGATIONS

117. Plaintiff enrolled as a student at UM in 1970s and 1980s.

118. Plaintiff, an 18-year old freshman, was enrolled in a then-internationally known, highly competitive science degree program that recruited students from around the world and virtually guaranteed its graduates entree into positions of great prestige and remuneration.

119. The intense rigors of Plaintiff's enrolled program caused Plaintiff great stress during his initial semester, and he began to experience symptoms akin to narcolepsy that led to chronic fatigue and caused the Plaintiff to fall asleep during class and lab projects.

120. Plaintiff visited the UHS to seek relief and was initially treated by Anderson.

121. As part of the initial treatment, Anderson told Plaintiff that he needed to perform a full physical examination of Plaintiff.

122. Anderson then digitally penetrated Plaintiff, and continued to digitally penetrated Plaintiff to the point of “milking” Plaintiff’s prostate, until prostate fluid and/or ejaculate was emitted.

123. As an 18-year-old without medical training, Plaintiff did not understand why Anderson did the anal penetration and prostate massage. But Anderson insisted Plaintiff return for more treatments to try to address Plaintiff’s chronic fatigue and falling asleep during class and homework.

124. Seeking some way to address his chronic fatigue and its impact on his grades and eligibility, Plaintiff followed Anderson’s orders.

125. Eventually Anderson arranged for a neurologist to examine Plaintiff for the chronic fatigue and related symptoms.

126. The neurologist recommended methylphenidate, also known as Ritalin, to treat the chronic fatigue, to be prescribed and monitored by Anderson.

127. In attempt to save his academic career and seat in his highly competitive, sought-after program, Plaintiff agreed to take the Ritalin under Anderson’s direction.

128. The Ritalin prescription helped alleviate some of the chronic fatigue symptoms, however the prescriptions were only for 30 days in duration and so

Plaintiff had to see Anderson monthly.

129. Each time Plaintiff returned for a new prescription, Anderson required and conducted a physical examination, each included digital penetration of Plaintiff's anus and the milking of Plaintiff's prostate until either prostate fluid or ejaculate emitted, before writing the new prescription.

130. Anderson performed, at least, twenty (20) of these physical examinations before the continued chronic fatigue led Plaintiff to seek and obtain a leave of absence from his program.

131. Anderson used Plaintiff's chronic illness to insinuate himself into Plaintiff's ongoing efforts to stay in his academic program.

132. On return from Plaintiff's leave of absence, Anderson told Plaintiff that Anderson was intervening with Plaintiff's professors and program director(s) to assist Plaintiff with staying in the program.

133. Further, Anderson, who had some prior training in Plaintiff's program of study, offered to tutor and assist Plaintiff with his studies. Plaintiff agreed in a desperate attempt to stay in the program.

134. However, Anderson used these tutor sessions as opportunities to masturbate Plaintiff several times.

135. Between the pressure of chronic fatigue and Anderson's acts, Plaintiff ultimately was emotionally and academically unable to complete his program of

study at UM.

VI. PLAINTIFF'S DAMAGES

136. On or about February 19, 2020, 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.

137. The damages arise from distinct and exclusive harms: (1) the revelations affirm that the acts performed on Plaintiff were in no ways medical or remedial acts, but sexual assault; (2) aside from that confirmation, Plaintiff has had to (a) relive the acts; and (b) consider again the profound changes Anderson's acts had on his failure to complete Plaintiffs' field of study and the immense impact that has had on Plaintiff's occupational path; and finally (3) Plaintiff learned that the acts by Anderson were all preventable because UM had ample notice of Anderson's prior bad acts, and this realization exacerbates the above damages.

138. Since these revelations, Plaintiff has been suffering shock, emotional distress and related physical manifestations thereof, embarrassment, loss of self-esteem, and disgrace.

139. Plaintiff has also suffered deeply, emotionally, and psychologically, in ways that have manifested physically, from discovering on or after March of 2020, that UM foisted Anderson – through his treatment at the UHS – on Plaintiff.

140. Despite knowledge about Anderson's misconduct, UM knowingly kept

him in positions where he had direct and intimate access to prey upon students and student-athletes, such as Plaintiff, from the early 1960s to 2003.

VII. THE PHYSICIAN-PATIENT FIDUCIARY RELATIONSHIP CREATED BY THE UM DEFENDANTS

141. Physicians like Anderson enjoy a power imbalance over patients, such as Plaintiff, in treatment because patients present with health concerns and are expected to comply with physicians' orders, including undressing. *See* Sexual Violation of Patients by Physicians: A Mixed-Methods, Exploratory Analysis of 101 Cases, *Sexual Abuse* 2019, Vol. 31(5) 503–523, available at <https://journals.sagepub.com/doi/10.1177/1079063217712217>.

142. In addition to the power imbalance, patients like Plaintiff often times cannot recognize abusive acts because they do not understand or know what is or is not medically necessary. *See* Sexual Violation of Patients by Physicians: A Mixed-Methods, Exploratory Analysis of 101 Cases, *Sexual Abuse* 2019, Vol. 31(5) 503–523, available at <https://journals.sagepub.com/doi/10.1177/1079063217712217>.

143. Among other reasons, it is this social power imbalance and the fact that “physicians possess superior knowledge by virtue of their medical training” that the American Medical Association finds the doctor-patient relationship to be a fiduciary relationship. Tanya J. Dobash, *Physician-Patient Sexual Conduct: The Battle Between The State and The Medical Profession*, 50 *Wash. & Lee L. Rev.* 1725 (1993). *See also*, <https://scholarlycommons.law.wlu.edu/wlulr/vol50/iss4/17>;

144. In the same way, both the Sixth Circuit Court of Appeals and Michigan courts recognize this fiduciary relationship between a doctor and his patient, where “the patient necessarily reposes a great deal of trust not only in the skill of the physician but in his discretion as well”. *United States v. Tatum*, 518 F.3d 369, 373 (6th Cir. 2008); *Hammonds v. Aetna Cas. & Sur. Co.*, 7 Ohio Misc. 25 (N.D. Ohio 1965); *Utica Steel, Inc. v. Amormino*, No. 309112, 2014 WL 1401939, at *6 (Mich. App., Apr. 10, 2014).

145. As pled above, UM directed Plaintiff to treat with Anderson during the time Plaintiff was a student at UM, despite knowing he was a sexual predator of male students and student-athletes.

146. In this way, UM created a fiduciary relationship between Anderson and Plaintiff.

147. Further, in doing so, UM became a fiduciary, both directly and vicariously, of the Plaintiff for any and all acts by Anderson during Anderson’s physician-patient relationship with Plaintiff.

148. And because UM forced this relationship on Plaintiff – a fiduciary relationship with Plaintiff’s UM-chosen physician, Anderson – UM as a principal to its agent, Anderson, owed certain duties under fiduciary and agency law to disclose and provide Plaintiff with more, not less information, regarding the true nature of Anderson’s acts done during the course of medical treatment on the Plaintiff.

VIII. FRAUDULENT CONCEALMENT

149. 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.

150. Both Anderson, and Defendants, through their employees, agents, and representatives, including but not limited to administrators, athletic coaches, trainers, and directors, fraudulently concealed the existence of Plaintiff’s claims, both before and after Plaintiff’s initial examination with Anderson, 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, and (3) concealing from Plaintiff that UM was aware of Anderson’s abuse since at least 1968, or before, 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

151. Anderson made affirmative representations to Plaintiff, referred to collectively as “Anderson’s representations,” that:

- a. Anderson’s anal penetrations and/or genital examinations were normal, necessary, proper, appropriate, legitimate, and/or medically beneficial; and,

- b. Defendants, through their administrators, employees, agents, and representatives, 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.

152. Anderson's representations were false. The UM Public Safety Department's recent investigation involving contact with medical professionals establishes that extended genital examinations and digital anal penetrations are almost never needed for any medical treatment of any issues normally experienced by college students including chronic fatigue and/or narcolepsy.

153. Anderson knew the representations were false. He conducted the sexual assault for no reason other than for his own empowerment, sexual gratification, and/or pleasure. Anderson knew the anal examination of Plaintiff was not proper, appropriate, legitimate, and/or considered within the standard of care by any physician of any specialty.

154. Anderson knew, and Plaintiff was in fact, particularly susceptible to believing Anderson's misrepresentations because:

- a. Plaintiff was a young and naïve adult, under the stress of a highly competitive academic program, combined with a chronic fatigue that complicated and threatened Plaintiff's participation in that program;
- b. Plaintiff had little or no prior experience with legitimate and appropriately performed treatments that involve anal and/or genital examinations, so it was impossible for Plaintiff to differentiate a legitimate and appropriately performed genital

examination from a sexual assault;

- c. Based on Neuroscience, the prefrontal cortex of the brain, which we use to make decisions and distinguish right from wrong, is not fully formed until around the age of 25;
- d. Based on Neuroscience, as the prefrontal cortex of the brain matures, teenagers are able to make better judgments;
- e. Plaintiff trusted Anderson due to his notoriety and reputation;
- f. This trust was accentuated by Plaintiff's need to consult and treat with Anderson in order to get his monthly prescription to treat his underlying chronic fatigue;
- g. Plaintiff 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,
- h. Plaintiff had never previously heard about allegations in the media regarding sexual assaults or misconduct by Anderson, indeed because there was none.

155. Anderson also breached a fiduciary duty to Plaintiff, as he was his patient and a student entrusted to Anderson's care, and so his failure to disclose material information to Plaintiff was fraudulent.

156. Anderson's representations caused Plaintiff's injuries related to (1) the sexual assault; (2) discovering Anderson's uncomfortable treatment was in fact sexual assault on or about March of 2020; and (3) discovering UM betrayed him by placing him in the care of a known sexual predator.

157. 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.

158. Anderson committed Fraudulent Concealment by concealing fraud with affirmative acts designed and/or planned to prevent inquiry, so he and Defendants escape investigation.

159. 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.

160. At all times material here, Plaintiff was free of any negligence contributing to the injuries and damages alleged.

B. Defendants' Fraudulent Concealment.

161. Defendants, through their employees, agents, and representatives, including but not limited to athletic coaches, trainers, athletic directors, other athletic department representatives, and/or 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, as reflected in their subsequent statement: "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 allegedly terminated or transferred Anderson for his inappropriate sexual conduct toward male students;
- c. Anderson’s anal and/or genital examinations were normal, necessary, proper, appropriate, legitimate, and/or medically beneficial; and
- d. That Easthope and the UM administration would ensure that Anderson would not treat other UM students after the Fall of 1979, when in fact, UM had Anderson continuously treat (and abuse) male student athletes from 1980 until 2003.

162. Defendants knew the representations were false. Defendants received several complaints since, at least, the 1960s 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.

163. 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. Ignored, refused, and failed to inquire, question, and investigate the complaints and take action regarding Anderson's genital and anal examinations; and
- d. Did not create a policy to require adults, parents, chaperones, guardians, and/or caregivers be present during an examination of a minor student or young athlete by a physician.

164. Accordingly, Plaintiff did not know, could not have reasonably known, and was reasonably unaware of a possible cause of action for breach of contract and the other claims asserted here because he did not know that UM and Easthope had breached their agreement with Plaintiff until he read an article on or after March of 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.

165. 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 about removing Anderson from further patient care.

166. Defendants committed Fraudulent Concealment, as described in detail above and below.

COUNT I:
VIOLATION OF TITLE IX, 20 U.S.C. § 1681(A), ET SEQ.¹

167. Plaintiff realleges and incorporates by reference the allegations contained in the previous and subsequent paragraphs.

168. 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 ...”

169. Plaintiff is a “person” under the Title IX statutory language.

170. 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.*

171. UM is required under Title IX to investigate allegations of sexual assault, sexual abuse, and sexual harassment.

172. 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

¹ Plaintiff outlines his 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.

harassment and assault by employees, students and third parties.

173. Anderson's actions and conduct were carried out under one of UM programs, which provides medical treatment to students, athletes, and the public.

174. Anderson's conduct and actions toward Plaintiff, that being nonconsensual sexual assault, constitutes sex discrimination under Title IX.

175. As early as 1968, and perhaps as early as 1962, an "appropriate person" at UM had actual knowledge of the sexual assault, abuse, and molestation of young men committed by Anderson.

176. Specifically, Defendants were notified about Anderson's sexual abuse and molestation by young male students, perhaps, as early as the 1962 or 1963, and certainly in or around 1968, 1969, 1975, 1976, 1979, and, on information and belief, on many other occasions before and after 1980.

177. 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.

178. After the 1968, 1969, 1975, 1976, and 1979 complaints, Anderson continued to sexually assault, abuse, and molest young male students, including but not limited to Plaintiff, and later exclusively male athletes.

179. 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;
- c. Failing to institute corrective measures to prevent Anderson from violating and sexually abusing other students and individuals, including minors; and
- d. Failing to honor its agreement with Plaintiff to remove Anderson from clinical duties.

180. 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.

181. Defendants' responses were clearly unreasonable as Anderson continued to sexually assault athletes and other individuals until he retired from UM in 2003.

182. Between the dates of approximately the early 1960s-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 and off school premises.

183. Defendants' failure to promptly and appropriately investigate and remedy and respond to the sexual assaults after they received notice subjected Plaintiff to further harassment and a sexually hostile environment, effectively

denying his access to educational opportunities at UM, including medical care.

COUNT II:
VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983 – STATE
CREATED DANGER

184. Plaintiff realleges and incorporates by reference the allegations contained in the previous and subsequent paragraphs.

185. 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.

186. Defendants deliberately exposed Plaintiff to a dangerous sexual predator, Anderson, knowing Anderson could and would cause serious damage by sexually assaulting male students on campus.

187. This conduct was culpable in the extreme.

188. Plaintiff was a foreseeable victim of Defendants' decision to make Anderson the physician in charge of the UHS.

189. Plaintiff's sexual assault was foreseeable and direct.

190. The decisions and actions to deprive Plaintiff of a safe campus constituted affirmative acts that caused and/or increased the risk of harm, as well as physical and emotional injury, to Plaintiff.

191. Defendants acted in willful disregard for the safety of Plaintiff.

192. Defendants have a fiduciary duty to protect students, like Plaintiff, from harm; and Defendants breached that duty by allowing Plaintiff's sexual assault by

placing students and student-athletes in the care of a known sexual predator.

193. 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

194. Plaintiff realleges and incorporates by reference the allegations contained in the previous and subsequent paragraphs.

195. The due process clause of the 14th Amendment includes an implied right to bodily integrity.

196. Plaintiff enjoys the constitutionally protected Due Process right to be free from the invasion of bodily integrity through sexual assault, abuse, or molestation.

197. At all relevant times, Defendants 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.

198. 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.

199. As a matter of custom, policy, 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.

200. 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.

201. Defendants' failure to address these patients' complaints led to an unknown number of individuals (aside from Plaintiff) being victimized, sexually assaulted, abused, and molested by Anderson.

202. 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 or earlier.

203. Ultimately, Defendants failed to adequately and properly investigate the complaints of Plaintiff or other similarly situated individuals including but not limited to failing to:

- a. Not foist Anderson on the population of unsuspecting males who sought treatment at the UHS;
- 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.

204. By failing to prevent the aforementioned sexual assault, abuse, and molestation upon Plaintiff, 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 Plaintiff pursuant to 42 U.S.C. § 1983.

205. Defendants are also liable to Plaintiff under 42 U.S.C. § 1983 for maintaining customs, policies, and practices which deprived Plaintiff of rights secured by the Fourteenth Amendment to the United States Constitution in violation of 42 U.S.C. § 1983.

206. 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 Plaintiff with impunity.

COUNT IV:
FAILURE TO TRAIN AND SUPERVISE UNDER 42 U.S.C. § 1983

207. Plaintiff realleges and incorporates by reference the allegations contained in the previous and subsequent paragraphs.

208. 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.

209. 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 students and student-athletes, 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.

210. Defendants failed to adequately train coaches, trainers, medical staff, administrators, and others regarding the aforementioned duties which led to violations of Plaintiff's rights.

211. Defendants' failure to adequately train was the result of Defendants' deliberate indifference toward the well-being of students and student-athletes.

212. Defendants' failure to adequately train is closely related to or actually caused Plaintiff's injuries.

213. As a result, Defendants deprived Plaintiff of rights secured by the

Fourteenth Amendment to the United States Constitution in violation of 42 U.S.C. § 1983.

DAMAGES FOR ALL CAUSES OF ACTION, COUNTS I-IV

214. As a direct and/or proximate result of Defendants' conduct, Plaintiff suffered and suffers 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.

215. These irreparable harms Plaintiff suffers, 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.

216. 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).

217. 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).

218. 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>.

219. In whole or in part, as a result of some or all of the above actions and/or inactions of Defendants, Plaintiff has and continues to suffer irreparable harm as a result of the violations.

WHEREFORE, Plaintiff requests this Court and the finder of fact to enter a Judgment in Plaintiff's favor against Defendants on all counts and claims above in an amount consistent with the proofs of trial, and seeks 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 Plaintiff's 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 students and student-athletes and other individuals, as appears to be reasonable and just.

Respectfully submitted,

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By /s/ Michael A. Cox

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Dated: July 23, 2020

Respectfully submitted,

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Dated: July 23, 2020

JURY DEMAND

Plaintiff, by and through his attorneys, Michael A. Cox, Jackie Cook and The Mike Cox Law Firm, PLLC, as well as David J. Shea, Ashley D. Shea, and Shea Law Firm PLLC, hereby demand a trial by jury on all claims set forth above.

Respectfully submitted,

The Mike Cox Law Firm, PLLC

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