

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

John Doe MC-1,

Plaintiff,

v.

The University of Michigan,
the Regents of the University of
Michigan,

Defendants.

Case No. 2:20-cv-10568-VAR-EAS

Hon. Victoria A. Roberts
Magistrate Judge Elizabeth A. Stafford

Master Case Filing

CORRECTED ORDER REGARDING WILMERHALE INVESTIGATION

On June 16, 2020, University of Michigan President Mark Schlissel sent a letter to approximately 300,000 alumni with an invitation to provide information regarding Dr. Robert E. Anderson, deceased, to WilmerHale, retained by the Regents of the University to conduct an investigation into the allegations against Dr. Anderson. The Court entered an Order on June 23, 2020 temporarily halting all communications by the University and WilmerHale with potential claimants until further order of the Court.

On July 29, 2020, the Court held a status conference. The Court and counsel for the parties discussed several topics related to WilmerHale's investigation. Present at the conference for the University, in addition to counsel of record, were

Bruce M. Berman, Esq. of WilmerHale, Vice President and General Counsel Timothy Lynch, and Associate Vice President and Deputy General Counsel Patricia Petrowski. The Court made several inquiries of the University regarding the WilmerHale investigation.

Based on information obtained by the Court at the hearing and in subsequent settlement discussions with counsel for Defendants, the Court lifts its stay of the WilmerHale investigation, subject to the following:

- a. As soon as reasonably practical, the University will send to the same recipients of the June 20, 2020 letter, a follow up letter in the form attached. After that letter has been sent, WilmerHale and the University may resume communications with potential claimants who have reached out to them.
- b. The University is not required to remove from the recipient list, the name(s) of persons who may be represented by counsel. It will be incumbent on such persons to refrain from participating in a further investigation if that is their desire.
- c. Before the University sends any further communication to potential claimants regarding Dr. Anderson or the WilmerHale investigation, it must first send any such communication to counsel for Plaintiffs for comment. No further communication to potential claimants can be sent by

- Defendants regarding Dr. Anderson or the WilmerHale investigation without prior review and approval of the language by the Court, including how the investigation is characterized.
- d. The University must ensure that WilmerHale will not share any of its work product with any of the lawyers from the law firms representing the University in these proceedings. If any communications do occur, those communications will not enjoy any attorney-client privilege.
 - e. In preparation for the status hearing on July 29, 2020, WilmerHale submitted a statement which provided more information about what its investigation will look like. The Court presumes that this is an accurate representation of the protocols and guardrails that WilmerHale has in place to insure that its investigation is survivor-centric, confidential, independent and thorough.
 - f. The Court makes no determination regarding the role, if any, that any report issued by WilmerHale will play in these proceedings. The Court expressly reserves all issues regarding any such report.

ORDERED.

Date: 8/6/2020

s/ Victoria A. Roberts
United States District Court Judge

[Draft letter from University]

Dear _____

On June 16, 2020, the University reached out to you regarding the investigation by the law firm WilmerHale into the allegations of sexual abuse and sexual misconduct by Dr. Robert E. Anderson, deceased. Participation in that investigation is purely voluntary. You are receiving this follow-up communication to ensure you are aware of pending legal proceedings regarding Dr. Anderson.

There are a number of cases against the University pending in the United States District Court, Eastern District of Michigan, master case no. 20-cv-10568. If you are not already represented by counsel in connection with one of those cases, you may wish to consult your own legal counsel regarding your rights, or you may wish to contact any of the lawyers who are representing the existing claimants identified in the attached master docket of the cases.

As with the June 16, 2020 communication, the University is sending this communication both by email and by U.S. Postal Service to all students who attended the University between the mid-1960s and the early 2000s for whom it has contact information. If you are aware of a former student who did not receive this communication and should have, please share this message with them.