

CASE SUMMARY

This action for damages is brought by 38 of the 47 members of the 2006 Duke University men's lacrosse team, and by certain members of their families. (Names of the plaintiffs and defendants can be found appending this summary and on the complaint.) For 13 months in 2006-2007 these students were reviled almost daily in the local and national media as a depraved gang of privileged, white hooligans who had hired a black exotic dancer to perform at a team party, had brutally gang raped and sodomized her in a crowded bathroom, and had joined together in a "wall of silence" to hide the truth of their heinous crimes. But it was a vile and shameful lie, and it caused the plaintiffs tremendous suffering and grievous, lasting injuries.

PLAINTIFFS

As noted above, the plaintiffs are 38 of the 47 members of the 2006 Duke University men's lacrosse team and certain of their family members. The plaintiffs include: nine (9) members of the Duke class of 2006; nine (9) members of the Duke class of 2007; eleven (11) members of the Duke class of 2008; nine (9) members of the Duke class of 2009.

DEFENDANTS

The individual defendants in this suit are chiefly (1) Durham and Duke officials who corruptly seized upon and exploited Crystal Mangum's lie about an alleged rape (this deeply mentally disturbed, drug-dependant young woman is not named) to advance their own career ambitions, to further their own ideological agendas, and/or to gratify their own personal prejudices; and (2) Duke officials who possessed convincing evidence

of the players' innocence and who had a responsibility to their students to speak out, but who not only steadfastly remained silent, but also lent Duke's credibility to the rape allegations by capitulating to an angry mob's demands to condemn and punish the innocent players and their blameless coach.

ALLEGATIONS

There are 31 counts in the complaint alleging violations of state law and violations of federal law, including the United States Constitution.

A. Duke Defendants

Against the Duke Defendants specifically the complaint, among other claims, alleges:

- Intentional and negligent infliction of emotional distress based on the false and misleading information about the medical and physical evidence of rape provided by Levicy to the Durham Investigators that spurred on the rape investigation, the active suppression of exculpatory evidence, conduct and statements that maligned the lacrosse players and active conspiracy with the Durham Investigators and Supervisors.
- Breach of various duties of care owed the plaintiffs including the duty of care in conducting and reporting of forensic medical examination and the duty to warn of the hazards created by the Duke Defendants in providing false and misleading information to the Durham Investigators and not disclosing exculpatory information in their exclusive possession.
- Fraud, negligent misrepresentation, abuse of process, and violations of fourth amendment rights based on Duke University's disclosure of confidential key card reports to the Durham Investigators in violation of FERPA and Duke's attempt to cover-up that illegal disclosure by collaborating in the issuance and use of a sham subpoena.
- Fraud through abuse of the confidential relationship between various Duke Defendants and the lacrosse players during the rape hoax crisis when defendants advised team members not to tell their parents and not to seek or obtain legal representation and by steering the players to Duke's chosen advisor, Defendant Wes Covington.
- Breach of duty based on Duke's special relationship with its student athletes. Duke failed in its duty to seek to protect these students from harassment, harm to their reputation, a rogue criminal investigation

- Breach of contract for Duke's failure to follow and enforce its own anti-harassment policy, cancellation of the lacrosse season, violation of procedural rights.

B. Durham Defendants

Against the Durham Defendants, the complaint alleges, among other claims,

claims for:

- Deprivation of property without due process of law in violation of 42 U.S.C. § 1983 for a malicious investigation that caused reputational injury and lost educational opportunities
- False public statements in violation of 42 U.S.C. § 1983
- Violation of 42 U.S.C. § 1983 under *Monell v. Dep't of Soc. Servs.*
- Negligence including negligent supervision, hiring and discipline
- Intentional and negligent infliction of emotional distress

DAMAGES

Plaintiffs have asked for damages in an amount to be established at trial as compensation for injuries to reputation, emotional suffering, past and future economic losses, invasion of privacy, constitutional deprivations, loss of educational and athletic opportunities, loss of future career prospects, legal and other expenses, and other injuries proximately caused and enhanced by defendants' wrongful conduct; and for damages, in an amount to be established at trial, to punish defendants for fraudulent, willful and wanton, and malicious conduct; to punish defendants for outrageous conduct pursued with actual malice that recklessly and callously disregarded plaintiffs' physical and emotional well-being and constitutional rights; to discourage defendants from engaging in similar conduct in the future; and to deter others similarly situated from engaging in similar wrongful conduct.

PLAINTIFFS

1. Edward Carrington
2. Casey J. Carroll
3. Michael P. Catalino
4. Gale Catalino (parent)
5. Thomas V. Clute
6. Kevin Colman
7. Joshua R. Coveleski
8. Edward J. Crotty
9. Edward S. Douglas
10. Kyle Dowd
11. Patricia Dowd
12. Daniel Flannery
13. Richard Gibbs Fogarty
14. Zachary Greer
15. Irene Greer
16. Erik S. Henkelman
17. Steven W. Henkelman (parent)
18. John E. Jennison
19. Ben Koesterer
20. Mark Koesterer (parent)
21. Joyce Koesterer (parent)
22. Fred Krom
23. Peter J. Lamade
24. Adam Langley
25. Christopher Loftus
26. Daniel Loftus
27. Barbara Loftus (parent)
28. Anthony Mcdevitt
29. Glenn Nick
30. Nicholas O'Hara
31. Lynnda O'Hara (parent)
32. Daniel Oppedisano
33. Sam Payton
34. John Bradley Ross
35. Kenneth Sauer, III
36. Steve Schoeffel
37. Robert Schroeder
38. Devon Sherwood
39. Daniel Theodoridis
40. Bret Thompson
41. Christopher Tkac
42. Tracy Tkac (parent)
43. John Walsh, Jr.
44. Michael Ward
45. Robert H. Wellington, IV
46. William Wolcott
47. Michael Young

DEFENDANTS

1. Duke University
2. Duke University Health System, Inc. (“DUHS”)
3. Richard Brodhead, President of Duke University
4. Peter Lange, Provost of Duke University
5. Larry Moneta, Vice President for Student Affairs at Duke University
6. John Burness, Senior V.P. for Public Affairs and Government Relations at Duke
7. Tallman Trask, Executive Vice President of Duke University
8. Suzanne Wasiolek, Assistant VP for Student Affairs and Dean of Students at Duke
9. Matthew Drummond, Head of Duke University’s Duke Card office
10. Aaron Graves, Associate VP for Campus Safety and Security at Duke
11. Robert Dean, Director and Chief of the Duke Police Department
12. Tara Levicy, Sexual Assault Nurse Examiner (“SANE”) at Duke University Hospital
13. Theresa Arico, Coordinator of the SANE program at Duke University Hospital
14. J. Wesley Covington, Esq. (Duke advisor to whom Duke directed players for advice)
15. Kate Hendricks, Esq., Deputy General Counsel, Office of the University at Duke
16. Victor Dzau, Chancellor for Health Affairs and President and CEO of DUHS
17. City of Durham
18. Linwood Wilson, Investigator in the Office of the District Attorney
19. Mark Gottlieb, Detective in the Durham Police Department
20. Benjamin Himan, Investigator in the Durham Police Department
21. Patrick Baker, City Manager for the City of Durham
22. Steven Chalmers, Chief of Police for the Durham Police Department
23. Ronald Hodge, Deputy Chief of Police for the Durham Police Department
24. Lee Russ, Executive Officer to the Chief of Police for the Durham Police Department
25. Stephen Mihaich, Commander of Investigative Services for Durham Police Department
26. Beverly Council, Commander of the Uniform Patrol Bureau for Durham Police Dept.
27. Jeff Lamb, Commander of the District Two Uniform Patrol of the Durham Police Dept.
28. Michael Ripberger, Lieutenant in the Durham Police Department
29. David Addison, Corporal in the Durham Police Department