

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

JOHN DOE MC-1,

Plaintiff,

v.

UNIVERSITY OF MICHIGAN and  
REGENTS OF THE UNIVERSITY OF  
MICHIGAN,

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

Hon. Victoria A. Roberts

Magistrate Judge Elizabeth A.  
Stafford

**Master Case Filing**

**ORDER  
ESTABLISHING INDIVIDUAL PLAINTIFFS' LEADERSHIP ROLES**

Plaintiffs filed their "INDIVIDUAL PLAINTIFFS' JOINT MOTION FOR LEADERSHIP ROLES" on January 28, 2021. Having carefully considered the joint submission of the respective plaintiffs' counsel, the Court approves the leadership structure as proposed.

**I. Plaintiffs' Leadership Structure**

The Court finds that the attorneys in the leadership structure have already shown an ability and willingness to act diligently on behalf of all plaintiffs and proposed plaintiffs. The Court therefore appoints the proposed Lead Counsel and the Plaintiffs' Steering Committee.

The Court recognizes it is appropriate to proceed with the adoption of a structure for leadership, and to appoint counsel to those positions. The Court believes in a centralized framework that avoids disadvantages of an overly elaborate infrastructure, provides ample resources for vigorous prosecution, delivers strong and flexible leadership, and encourages counsel to avoid unnecessary duplication of efforts and to control fees and expenses in this litigation. Therefore, the Court finds that leadership of the filed plaintiffs and potential plaintiffs should be structured as follows, which includes a brief description of the leadership duties and responsibilities.

**A. Lead Counsel**

The Court appoints three attorneys to act as co-lead Counsel for all individual Plaintiffs' cases subject to the jurisdiction of this Court (collectively, "Lead Counsel"). Lead Counsel will have the duties outlined in the Manual for Complex Litigation, Fourth ("MCL Fourth") §10.221, which include formulating and presenting positions on substantive and procedural issues during the mediation and litigation (after consultation with members of the Steering Committee and other co-counsel as may be appropriate). The authority, duties and responsibilities of Lead Counsel are more specifically set forth in Section II, below. The Court makes the following appointments to Lead Counsel:

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**B. Plaintiffs' Steering Committee.**

The Court establishes a Plaintiffs' Steering Committee of twelve (12) attorneys for all individual Plaintiffs' cases subject to the jurisdiction of this Court. The Steering Committee will have the duties outlined in MCL Fourth §10.221. The Steering Committee is established to ensure that all group members' interests and positions are represented in decision making. The authority, duties and responsibilities of Lead Counsel are more specifically set forth in Section II, below. The Court makes the following appointments to the Steering Committee:

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**II. Roles, Responsibilities, and Duties of Lead Counsel and the Plaintiffs' Steering Committee**

The specific duties to be undertaken by Lead Counsel and members of the Plaintiffs' Steering Committee include the following duties:

**A. Lead Counsel**

Lead Counsel, after consultation and collaboration with members of the Steering Committee and other co-counsel as may be appropriate, are responsible for prosecuting any and all claims brought against the University of Michigan for sexual assault committed by Dr. Robert Anderson, as well as coordinating the pretrial proceedings conducted by counsel for the individual Plaintiffs. More specifically, and among other things, Lead Counsel shall, in consultation with members of the Steering Committee and other co-counsel as may be appropriate:

(a) determine (after consultation with members of the Plaintiff's Steering Committee and other co-counsel as may be appropriate) and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of the Plaintiffs on matters arising during the coordinated proceedings;

(b) coordinate the initiation and conduct of discovery on behalf of the Plaintiffs consistent with the requirements of Fed. R. Civ. P. 26, including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions, except that the discovery and motions initiated by the Defendants directed to or regarding named individual Plaintiffs will be handled by the attorney(s) for those individuals;

(c) delegate specific tasks to other counsel in a manner to ensure that pretrial preparation for the Plaintiffs is conducted effectively, efficiently and economically;

(d) enter into stipulations with opposing counsel;

(e) convene meetings of the Plaintiffs' Steering Committee or other subcommittees, determined as necessary for the purpose of proposing joint action and discussing and resolving matters of common concern;

(f) organize themselves and agree on a plan for conducting the litigation on behalf of all Plaintiffs;

(g) brief and argue motions for the Plaintiffs and file opposing briefs and argue motions and proceedings initiated by other parties (except as to matters specifically directed to individual Plaintiffs and their counsel) or designate the appropriate counsel to carry out these tasks;

(h) consult with and employ expert witnesses;

(i) maintain time and expense records for work performed, costs incurred and other disbursements made, and related matters on behalf of the Steering Committee, and report with reasonable regularity, in writing, to the other members of Leadership counsel concerning expenses, disbursements, and receipts;

(j) monitor work performed by the Plaintiffs' Steering Committee and any other subcommittee members deemed necessary and those whose work it has specifically authorized;



(k) perform all tasks necessary to carry out the functions of Lead Counsel and to properly coordinate plaintiffs' pretrial activities;

(l) coordinate task-specific subcommittees of counsel, as appropriate;

(m) authorize Plaintiffs' counsel to initiate case-specific motions and discovery;

(n) designate Plaintiffs' counsel authorized to attend hearings and depositions;

(o) conduct settlement negotiations on behalf of Plaintiffs, and enter into settlement agreements subject to Court approval;

(p) coordinate and communicate with Defendants' counsel with respect to the matters addressed in this paragraph.

**B. Steering Committee**

Members of the Steering Committee shall consult with and operate in collaboration with the Lead Counsel in the prosecution of any and all claims brought against the University of Michigan for sexual assault committed by Dr. Robert Anderson, as well as coordinating the pretrial proceedings conducted by counsel for the individual Plaintiffs. Without limitation, the duties of the Plaintiffs' Steering Committee include:

(a) participate and coordinate with Lead Counsel in the preparation of briefs, motions, discovery, and depositions as and when required by the needs of the Master Case;

(b) participate and coordinate with Lead Counsel in the initiation and conduct of discovery on behalf of plaintiffs, consistent with the requirements of Fed. R. Civ. P. 26, including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions:

(c) assist in and provide counsel regarding other tasks that may arise in pretrial preparation for plaintiffs;

(d) participate, attend, and collaborate at meetings of the Plaintiffs' Steering Committee or other subcommittees, as determined by Lead Counsel;

(e) consult with and prepare expert witnesses, when requested;

(f) maintain time and expense records for any requested work, maintain records of any costs incurred, and report those same records to other members of the Plaintiffs' Steering Committee and Lead Counsel as requested;

(g) coordinate task-specific subcommittees of counsel, when requested.

**ORDERED.**

s/ Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: February 3, 2021