

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Civil Case No. 19-12484

SERGIO VERDÚ

Plaintiff,

v.

THE TRUSTEES OF PRINCETON UNIVERSITY, THE BOARD OF TRUSTEES OF PRINCETON UNIVERSITY, CHRISTOPHER L. EISGRUBER, DEBORAH A. PRENTICE, REGAN CROTTY, TONI MARLENE TURANO, LISA MICHELLE SCHREYER, MICHELE MINTER, CLAIRE GMACHL, CHERI BURGESS, LYNN WILLIAM ENQUIST, SUSAN TUFTS FISKE, CAROLINA MANGONE, HARVEY S. ROSEN, and IRENE V. SMALL,

Defendants.

COMPLAINT AND JURY DEMAND

Plaintiff Sergio Verdú (“Plaintiff” or “Dr. Verdú”), by and through his attorneys Nesenoff & Miltenberg, LLP, as and for his complaint against Defendants The Trustees of Princeton University (“Princeton” or the “University”), the Board of Trustees of Princeton University, Christopher L. Eisgruber, Deborah A. Prentice, Regan Crotty, Toni Marlene Turano, Lisa Michelle Schreyer, Michele Minter, Claire Gmachl, Cheri Burgess, Lynn William Enquist, Susan Tufts Fiske, Carolina Mangone, Harvey S. Rosen and Irene Small (collectively the “Defendants”) alleges as follows:

THE NATURE OF THE ACTION

1. This action arises out of Princeton’s flawed and gender-biased Title IX proceedings, unremedied harassment and retaliation against Dr. Verdú and the subsequent unwarranted and flawed termination proceedings against him.

2. Dr. Verdú, formerly Princeton's Eugene Higgins Professor of Electrical Engineering, who taught at the University for nearly 35 years, held his tenured position without incident until Spring 2017. Dr. Verdú has long been held in the highest esteem by students and colleagues alike, he has achieved the highest levels of success in his field and received numerous awards and accolades over the course of his career.

3. Rather than make any effort to protect its highly esteemed faculty member, Princeton instead pursued the decimation of Dr. Verdú's reputation and career, and violated his right to privacy over an extramarital affair that took place years earlier so that it could exact a harsher punishment against Dr. Verdú in the wake of the #MeToo movement.

4. In Spring 2017, Paul Cuff ("Cuff"), an Assistant Professor who held a grudge against Dr. Verdú, and blamed him for Cuff's failure to obtain tenure, reported allegations to then Dean of the Graduate School, Sanjeev Kulkarni ("Kulkarni"), that, years prior, Dr. Verdú had been involved in a consensual romantic relationship with a former female graduate student- supervised by Cuff. A month earlier, the University heard the same allegation from a faculty member at Stanford University.

5. Concerned about Cuff's motives, and the lack of any complaint from the former graduate student, "E.S."—who received her Ph.D. from Princeton over two years earlier and never made a report or complaint about Dr. Verdú—Kulkarni told Cuff that no investigation was warranted. At the time, Cuff said he was going to "watch out" for Dr. Verdú's only female advisee, twenty-five-year-old graduate student Yeohee Im ("Ms. Im").

6. A short time later, Cuff notified the University that Dr. Verdú had allegedly acted inappropriately with Ms. Im, and, upon information and belief, encouraged Ms. Im to file a false charge of sexual harassment against Dr. Verdú with the University's Title IX Office, stemming

from two occasions on which Ms. Im and Dr. Verdú watched movies together at his home. Ms. Im also alleged—as had Cuff—that Dr. Verdú was rumored to have engaged in a consensual relationship with E.S.

7. Having developed a close relationship with Cuff, Ms. Im willfully mischaracterized ordinary social interactions with Dr. Verdú, which she enthusiastically participated in, as sexual harassment. She claimed sexual harassment even though she admitted that Dr. Verdú acted professionally during the course of her graduate studies—both before and after the incidents she complained of.

8. When complaining to the University, Ms. Im supplied only part of the story, and presented deliberately altered “evidence” in support of her claim of sexual harassment, including select portions of a secretly taped conversation with Dr. Verdú and excerpted emails. The full set of emails—produced by Dr. Verdú to the Title IX administrator—demonstrated that Ms. Im initiated a social relationship with Dr. Verdú and made attempts to foster a closer relationship with him. The Title IX panel, tasked with investigating Ms. Im’s allegations *and* determining responsibility, relied on the altered evidence, as opposed to the exculpatory evidence provided by Dr. Verdú, to erroneously find him responsible for sexual harassment.

9. Though the panel members admitted that Ms. Im downplayed her efforts to foster a close relationship with Dr. Verdú, they failed to consider this in weighing the evidence. The panel also ignored that Cuff—not Ms. Im—was the original source of Ms. Im’s Title IX complaint and turned a blind eye to the simultaneous timing of the allegations about E.S., brought forward by Cuff and Ms. Im. The panel further ignored that, only months earlier, Ms. Im made a Title IX report against a male teaching assistant. All of these facts raised serious questions about Ms. Im’s credibility and her motives.

10. When she reported the “sexual harassment” to the University, Ms. Im embellished her story in a manner that directly contradicted the evidence, including her own email communications with Dr. Verdú. Ms. Im’s story also continuously changed. The Title IX panel members ignored these contradictions. Their assessment of the case, and corresponding finding of responsibility against Dr. Verdú, revealed their sex bias because they treated Ms. Im—an adult—like a child in need of parental supervision. They also assumed that—because Dr. Verdú was male and Ms. Im female—Dr. Verdú intended a simple gesture like quickly cleaning a red wine stain off Ms. Im’s sweatshirt to be a sexual advance. They ignored Dr. Verdú’s consistent account of the events in question.

11. The University ultimately found Dr. Verdú responsible for sexual harassment. As a result of this finding, he was placed on probation for one year, could not take a planned sabbatical, and was required to attend a mandatory 8-hour counseling program with an outside psychologist, whose services had been secured by Princeton exclusively to deal with student cases in the past.

12. Dissatisfied with this sanction, Ms. Im embarked on a vicious, retaliatory campaign to destroy Dr. Verdú’s career and reputation by disclosing confidential Title IX records and altered recordings to the press, making unsubstantiated comments in an article published by the *Huffington Post*, encouraging social media posts against Dr. Verdú within the construct of the #MeToo movement, filing complaints with professional associations to which Dr. Verdú belonged, and publicly accusing him of sex crimes. Ms. Im succeeded in her destructive efforts.

13. The November 9, 2017 *Huffington Post* article, published against the backdrop of the #MeToo movement, prompted a firestorm of negative publicity at Princeton, leading to the plastering of flyers across campus with Dr. Verdú’s photo, calls to the Princeton administration

for his termination, exaggerated accusations and unsubstantiated rumors which Ms. Im and Cuff fueled by publishing editorials about Dr. Verdú in *The Daily Princetonian* newspaper.

14. The University took no steps to quell the harassment of Dr. Verdú or prohibit Ms. Im from revealing confidential information obtained through the Title IX process. On the contrary, the University encouraged retaliation against Dr. Verdú by taking a position that supported Ms. Im. Princeton had already been subjected to a number of Office for Civil Rights investigations¹ and was embroiled in a sexual harassment scandal concerning professors in the University's German Department and, in the weeks following the rebirth of the #MeToo movement, was, upon information and belief, more interested in preserving its reputation than preventing further harm to Dr. Verdú.

15. All the while, Dr. Verdú was under a gag order, as the University warned him against disclosing any emails from and to Ms. Im or any other confidential information from the Title IX proceedings. Although Ms. Im was also subject to such confidentiality orders, the University chose not to enforce them against *her*. As a result, Dr. Verdú was unable to publicly defend himself against Ms. Im's accusations and the unsubstantiated rumors that were the subject of campus discourse, including nearly a dozen articles in *The Daily Princetonian* attacking his character. Essentially, the University barred Dr. Verdú from coming to his own defense while simultaneously allowing Ms. Im to unabashedly and publicly attack Dr. Verdú.

16. Not only did the University encourage retaliation against Dr. Verdú, its administration opened a second investigation into the allegations originally lodged by *Ms. Im* and *Cuff* concerning a consensual relationship between Dr. Verdú and E.S.

¹ Indeed, its handling of sexual misconduct allegations received a score of 5/20 (letter grade D) from the *Foundation for Individual Rights in Education*.

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