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## Survivors of Strauss Abuse Decry OSU's Attempt to Dismiss Claims on Statute of Limitations Grounds as Yet Another Betrayal

*Ohio State is asking a federal court to throw out claims regarding its decades-long coverup of sexual abuse by Dr. Richard Strauss*

In a [response](#) to a motion by The Ohio State University to dismiss the claims of 93 survivors of sexual abuse by former OSU doctor Richard Strauss, plaintiffs in the *Snyder-Hill* lawsuit responded late yesterday that the University's attempt to wipe out their claims as too old is legally and factually wrong, and represents yet another betrayal of OSU's supposed commitment to justice for men abused as a result of the University's long coverup.

OSU argued in a July motion to dismiss these claims that the abuse occurred too long ago to be legally actionable under Title IX, despite the fact that none of abuse survivors knew about OSU's role in facilitating Strauss' predation, and 83 of them did not know what they had experienced at the hands of an esteemed OSU doctor was sexual abuse until after OSU publicly acknowledged this possibility in 2018.

"OSU cannot run away from the allegations, the facts, or the law. For 40 years, this school sent a clear message to its students: trust Dr. Strauss and trust us. So they did. Now OSU would dismiss its students' Title IX claims because they were too trusting. Shame on them," the plaintiffs write in yesterday's [reply](#) to the motion to dismiss.

In the response, the plaintiffs also criticize OSU's decision to make a settlement offer in its motion to dismiss. The plaintiffs state yesterday that this is an inappropriate topic for a brief on sexual abuse claims, explaining that "OSU is using an alleged settlement offer to influence the Court's decision, sending the not-so-subtle message that it is alright to dismiss this case because OSU will in any event 'do the right thing' with Plaintiffs."

In March, OSU agreed to settlement terms with those 162 plaintiffs in other legal actions, and in May it revealed certain details of that settlement. The compensation offered pales in comparison to the Michigan State and Penn State settlements for similar institutional cover-ups of wide-scale sexual abuse, and includes no commitment to comprehensive changes in how OSU addresses sexual abuse as an institution.

"After protecting and facilitating a serial sexual predator for decades, then doing everything in its power to cover up its own role in the predation, OSU is telling survivors that they should have known better. That they should have known they were abused—even though it took outside medical experts and a lengthy, \$6.2 million investigation to figure out *whether* Strauss' medical exams were sexually abusive. That they should have known OSU's role in the abuse—even though OSU lied to students, shredded Strauss' medical records, falsified his employment evaluations, peddled Strauss as an 'exceptional' doctor who showed great 'care and concern for athletes,' and kept the misconduct secret from

students, the Medical Board, the police, and the public. This is truly a new low for OSU,” said Adele Kimmel, Public Justice Senior Attorney and counsel for the plaintiffs.

Last year, a University-commissioned investigation into the scandal by law firm Perkins Coie uncovered at least 177 abuse survivors and a repeated failure of Ohio State to take action to investigate or address complaints about Dr. Strauss. A few months later, a report commissioned by Ohio Gov. Mike DeWine revealed that Ohio State failed to inform or protect students, even after a State Medical Board investigator told the University in 1996 “that Dr. Strauss ha[d] been performing inappropriate genital exams on male students for years”—and despite the University telling the Medical Board that it was working to identify other students abused by Dr. Strauss. The University also concealed Dr. Strauss’ abuse by destroying the health care records of students he examined.

Perkins Coie only interviewed survivors who proactively came forward to share their story, meaning the actual number of survivors reaches into the many hundreds, and possibly even a thousand or more. Moreover, Ohio State admitted this year that it had received reports of 1,429 sexual assaults and 47 rapes by Dr. Strauss. According to the 93 plaintiffs’ amended complaint, the scale of Strauss’ abuse makes this “perhaps the greatest sex abuse scandal in American history. It is without question the greatest scandal in the history of American higher education.”

Despite these shocking findings, Ohio State refuses to take meaningful action to ensure justice for the survivors of Dr. Strauss’ abuse, even though the university has acknowledged its “fundamental failure” to prevent the abuse. For example, OSU has declined to publicly support House Bill 249 in the Ohio State Legislature, which would eliminate Ohio State’s ability to try to use a statute of limitations defense to wipe away claims related to Strauss’s abuse.

“It’s time for OSU to stop hiding behind their alleged statute of limitations defense and do the right thing. Until OSU is held accountable, nothing will ever change at this University,” said Ilann M. Maazel of Emery Celli Brinckerhoff Abady Ward & Maazel LLP, also counsel for the plaintiffs.

OSU has claimed it would do the right thing for the many who were sexually abused while the University condoned and covered up Dr. Strauss’s predation. Yet the sexual abuse survivors are faced with another Ohio State motion to dismiss their claims demonstrating their true intentions and hypocrisy,” said Scott Elliot Smith, also counsel for the plaintiffs. “OSU has proven once again it is the same University today as it was for the decades it allowed the abuse to continue. The former students continue to suffer. Only the Court can stop OSU now.”

The survivors in the *Snyder-Hill* case are represented by Scott Elliot Smith, LPA; Emery Celli Brinckerhoff Abady Ward & Maazel LLP; and Public Justice.