

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STEVE SNYDER-HILL, et al.,

Plaintiffs,

v.

THE OHIO STATE UNIVERSITY,

Defendant.

Case No. 2:23-cv-02993

Judge Michael H. Watson

Magistrate Judge Elizabeth P. Deavers

WILLIAM KNIGHT, et al.,

Plaintiffs,

v.

THE OHIO STATE UNIVERSITY,

Defendant.

Case No. 2:23-cv-02994

Judge Michael H. Watson

Magistrate Judge Elizabeth P. Deavers

EDWARD GONZALES, et al.,

Plaintiffs,

v.

THE OHIO STATE UNIVERSITY,

Defendant.

Case No. 2:23-cv-3051

Judge Michael H. Watson

Magistrate Judge Elizabeth P. Deavers

PLAINTIFFS' BRIEFING ON APPROPRIATE PERSONS

PRELIMINARY STATEMENT

For nearly two decades, The Ohio State University (“OSU”) knew that Dr. Richard Strauss was sexually abusing students who trusted him as a physician. Despite this knowledge, OSU, including many officials who were “appropriate persons” with authority to take corrective action, failed to—or chose not to—do anything meaningful.

The following OSU administrators were “appropriate persons”: Athletic Directors (Hugh Hindman, Richard Bay, James Jones, and Andy Geiger); Directors of Sports Medicine/Head Team Physicians (Robert Murphy and John Lombardo); Directors of Student Health (Ted Grace, Forrest Smith, Doris Charles, H. Spencer Turner, William Brown, and Eric Busch); Senior Associate Athletic Directors (James Jones and Paul Krebs); Associate Athletic Director (Archie Griffin); Assistant Athletic Director (Larry Romanoff); Assistant General Counsel for Human Resources (Helen Ninos); General Counsel (Virginia Trethewey); Assistant Vice President of Student Affairs (Mary Daniels); Vice Presidents of Student Affairs (Russell Spillman and David Williams); Vice President of Human Resources (Linda Tom); and Vice President of Health Services (Manuel Tzagournis). Perkins Coie—retained by OSU at the cost of over \$6 million to investigate who knew what and when—determined that these individuals were OSU administrators whose knowledge is attributable to the University.

With two exceptions, OSU’s position is that none of these individuals were “appropriate persons.” It asserts *only* Student Affairs VP Williams and, in a limited capacity, Human Resources VP Tom (along with OSU’s President and Board of Trustees) qualify, because its sexual harassment policy, after November 5, 1993, designated those two to investigate complaints and appeals. Despite having tens of thousands of employees, that position would insulate the University even when the vast majority of its supervisors fail to take corrective

action. That is not the law. And it is inconsistent with the University's own position: OSU adopted, publicly cited and disseminated its commissioned investigation, and apologized based on Perkins Coie's conclusion that "university personnel at the time [of Strauss's abuse] had knowledge of complaints and concerns about Strauss'[s] conduct as early as 1979 but failed to investigate or act meaningfully." Ex. 26. President Drake apologized that "many people over many years failed to meet a standard that we would hold." Ex. 33 at 00:45.

Pursuant to this Court's April 11, 2025 Order, this brief details the evidence establishing that each of the disputed individuals listed above was an "appropriate person" with "authority to take corrective action," but does not address each official's knowledge of Dr. Strauss's abuse or their inaction. Case Management Order No. 4 at 2, ECF No. 103 in 23-cv-2993.

CONFERRAL EFFORTS

On April 27, 2026, Plaintiffs e-mailed OSU their proposed appropriate persons list of nineteen (19) employees, and all individuals above Helen Ninos and David Williams in the OSU hierarchy, including Presidents and Board members. On April 29, Plaintiffs proposed an additional five (5) appropriate persons. OSU responded that the only appropriate persons at the University during Strauss's nearly 20 year tenure were: the Office of Affirmative Action (until 1993), Linda Tom ("from 11/5/93 on and for purposes of any appeals") and David Williams ("from 11/5/93 on"), plus the Presidents and Board ("but not individual Board of Trustees members"). Counsel conferred via videoconference later that day, during which Plaintiffs explained their list with reasoning for identifying these appropriate persons, and OSU confirmed its position and that it would not agree to additional appropriate persons. *See* Declaration of Debra L. Greenberger in Support of Plaintiffs' Briefing on Appropriate Persons, ¶¶ 2–5.

FACTS

Dr. Strauss had concurrent responsibilities within each of the following departments through most of his nearly two decades at OSU: (1) faculty in the College of Medicine/School of Public Health; (2) team physician and treating doctor in the University Athletics Department; (3) physician in the Sports Medicine Clinic at Student Health Services (formerly known as University Health Services); and (4) attending staff privileges at OSU Medical Center/University hospitals. *See* Ex. 39 at 31–37 (Perkins Coie Report). Because Plaintiffs’ claims stem from Strauss’s roles in Athletics and Student Health Services, this brief focuses on those departments.

I. DR. STRAUSS’S ROLES IN THE ATHLETICS DEPARTMENT

Strauss served as Team Physician and Associate Director of Sports Medicine in the Athletics Department from 1978 until July 1996, when the Department finally terminated him from those roles. *See* Ex. 1; Ex. 2 at 450. [REDACTED] [REDACTED]. Ex. 6 at 2640–41; [REDACTED]. They supervised 10-12 team physicians and all other clinical staff. Ex. 5, Lombardo Dep. at 11–12; [REDACTED]

[REDACTED]; Ex. 7, Griffin Dep. at 105; Ex. 8, Geiger Dep. at 27–28.

II. DR. STRAUSS’S ROLE IN STUDENT HEALTH SERVICES

Strauss also worked as a physician at Student Health Services (previously known as University Health Services), beginning around 1978, *see* Ex. 1 at 2, and appearing on its personnel roster as early as 1981, Ex. 9 at 232. [REDACTED]

While a physician at Student Health Services, Strauss reported to the Assistant Medical Director, who in turn reported to the Director. Ex. 11 at 2580. [REDACTED]

LEGAL STANDARD

“An ‘appropriate person’ under § 1682 is, at a minimum, an official of the recipient entity with authority to take corrective action to end the discrimination.” *Gebser v. Lago Vista Indep. Sch. Dist.*, 524 U.S. 274, 290 (1998). In determining *who* is an appropriate person at a university, the Sixth Circuit has directed courts to ask whether the official “had the authority to take corrective actions on [the University’s] behalf to remedy the sexual discrimination.” *Kesterson v. Kent State Univ.*, 967 F.3d 519, 528 (6th Cir. 2020). This authority includes the ability to “address” allegations of discrimination. *Dahmer v. W. Ky. Univ.*, No. 21-5318, 2022 WL 19296342, at *3 (6th Cir. Oct. 13, 2022).

Courts consider many factors in determining whether an individual had authority to address allegations of sexual harassment. These factors generally fit in four categories, involving whether an official: (1) had supervisory authority or were high up in the chain of command, *see Kesterson* 967 F.3d at 529; *Doe v. Sch. Bd. of Broward Cnty.*, 604 F.3d 1248, 1255 (11th Cir. 2010); (2) had the authority to investigate reports or initiate a formal investigation by referring the complaint, *see Wadsworth v. Nguyen*, 129 F.4th 38, 70 (1st Cir. 2025); (3) had the authority to “fire,” reprimand, or “suspend” the harasser, *see Plamp v. Mitchell Sch. Dist.*, 565 F.3d 450, 457 (8th Cir. 2009); or (4) had the authority to use non-disciplinary measures, such as adjusting job responsibilities, to reduce the risk of harassment, *see Doe v. Sch. Bd. of Broward Cnty.*, 604 F.3d at 1255; *Lipian v. Univ. of Mich.*, 453 F. Supp. 3d 937, 958 (E.D. Mich. 2020). These categories are not mutually exclusive.

Notably, “merely because [a] supervisor lacks the technical power to hire, fire, transfer, or formally discipline” does not resolve the appropriate person inquiry. *Lipian*, 453 F. Supp. 3d at 958. Indeed, a supervisor who can “[m]onitor [the harasser’s] interactions with . . . students, instruct [him] on proper student-faculty behavior and boundaries, and involve himself” in the harasser’s one-on-one meetings with students, is an appropriate person. *Id.* Courts will look to whether an individual “had broad authority to address problems and institute corrective measures.” *Frederick v. Simpson College*, 149 F. Supp. 2d 826, 837 (S.D. Iowa 2001).

Because the question of whether someone is an appropriate person is “necessarily a fact-based inquiry,” *Doe v. Bd. of Educ. of Columbus City Schs.*, No. 23-cv-1006 (MHW), 2025 WL 888461, at *7 (S.D. Ohio Mar. 20, 2025) (Watson, J.), courts are careful not to “fashion a bright-line rule as to what job titles and positions automatically mark an individual as having sufficient authority or control for the purposes of Title IX liability,” *Plamp* 565 F.3d at 457. In short, the relevant inquiry is the same: did the individual have “the authority to take corrective action” and “remedy the sexual discrimination”? *Kesterson*, 967 F.3d at 527–28.

ARGUMENT

The evidence establishes that there is no material factual dispute: each identified person had the “authority to take corrective action.” *See Lipian*, 453 F. Supp. 3d at 959–60 (holding, at summary judgment, that department chair was appropriate person and a jury must determine extent of his knowledge). If the Court finds a material factual dispute as to whether a particular individual was an appropriate person, that question should be decided by a jury. *Doe v. Bd. of Educ. of Columbus City Schs.*, 2025 WL 888461 at *7 (finding that the plaintiff had “put forth evidence to allow a reasonable juror to conclude that” an individual was an appropriate person).

In conferring, OSU's position is that the only appropriate persons were those its sexual harassment policy tasked with performing investigations (plus the President and Board, but not Board members). This is the equivalent of saying that only a Title IX coordinator is an appropriate person. This is not the law. (It also misstates OSU's own policies, as detailed *infra* at 8–9). OSU sidestepped the fact-based inquiry as to each employee's "authority to take corrective action to end the discrimination." *Gebser*, 524 U.S. at 290. While a sexual harassment policy may be relevant, it is not the only relevant factor. OSU's claim is also at odds with a wealth of caselaw finding that individuals from athletic directors to teachers can be appropriate persons. *See, e.g., Demarcus v. Univ. of S. Ala.*, 133 F.4th 1305, 1313 (11th Cir. 2025) (athletic director, senior associate athletic director, and associate athletic director); *J.S., III v. Houston Cnty. Bd. of Educ.*, 877 F.3d 979, 990 (11th Cir. 2017) (teacher); *see also Doe v. Sch. Bd. of Broward Cnty.*, 604 F.3d at 1255 (holding a principal who could "initiate corrective action" or place "other restrictions" on an offending employee, even if he could not take final adverse employment actions, was an appropriate person).

I. THE ATHLETIC DIRECTORS WERE APPROPRIATE PERSONS

All four Athletic Directors during Strauss's tenure in the Athletics Department were "appropriate persons" who had "authority to take corrective action" to remedy Strauss's sexual abuse. *Gebser*, 524 U.S. at 290. Courts have found Athletic Directors to be appropriate persons. *See, e.g., DeMarcus*, 133 F.4th at 1313; *Colbert v. Univ. of S. Ala.*, No. 22-cv-184(KD)(SB), 2024 WL 796548, at *6 (S.D. Ala. Feb. 6, 2024), report and recommendation adopted, 2024 WL 780715 (S.D. Ala. Feb. 26, 2024). Each of the four had the power to remove Strauss or restrict his duties as a team physician, were head of the department where Strauss worked, were very high in OSU's hierarchy, and had responsibility for ensuring that employees in the Athletics

Department complied with OSU’s sexual harassment policies. *See, e.g., Plamp*, 565 F.3d at 457 (looking to whether an official could “reprimand, further supervise, suspend, or even fire” the harasser in determining if their knowledge could be imputed to a school); *Doe v. Sch. Bd. of Broward Cnty.*, 607 F.3d at 1257 (finding an individual who had authority to “request formal investigation” and “determine that a complaint is meritless” was an appropriate person).

[REDACTED]

[REDACTED]; *see also* Perkins Coie Report at 9 (explaining the same). This determination is supported by the evidence in this case. Athletic Director Geiger testified that if there were serious concerns “raised about the conduct of a team doctor,” it would be his ultimate responsibility to make sure those concerns were addressed. Geiger Dep. at 30. Associate Athletic Director Griffin agreed: an Athletic Director “had all the power [he] needed to make [Strauss’s abuse] stop” and could “kick Strauss out of the athletics department, . . . kick him off teams, . . . train him, . . . [and] put chaperones in the . . . medical exams.” Griffin Dep. at 173; *see also* Ex. 13, Bay Dep. at 112 (Athletic Director Bay testifying: “whatever happens in the Athletic Department ultimately is [the Athletic Director’s] responsibility”). Geiger also agreed that he had the authority to “remove or restrict the duties of individuals within the department of athletics.” Geiger Dep. at 104–05. The Athletic Directors’ own testimony confirms that they had the “authority to take corrective actions” to stop Strauss’s abuse. *See Colbert*, 2024 WL 796548, at

*6 (holding that it was a “reasonable inference that an athletic director or assistant athletic director at a university has the authority to take corrective action to end harassment by one of the university’s coaches against one of its students”).

Also, as a practical matter, Athletic Directors were “high . . . up the chain-of-command.” *Kesterson*, 967 F.3d at 529. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The Athletics Department had considerable staff below the Director, further demonstrating his powerful role in the university’s hierarchy: in addition to the Senior Associate, Associate and Assistant Directors (described below), the Department had Coaches, Assistant Coaches, and Athletic Trainers. *See Geiger Dep.* at 27–28.

Athletic Directors were also the direct supervisors of Strauss’s direct supervisor: Strauss reported to Dr. Robert Murphy and, later, to Dr. John Lombardo, both Directors of Sports Medicine and Head Team Physicians; in turn, they reported to the Athletic Director. *See Lombardo Dep.* at 96; *see infra* pp. 11–13 (detailing that he and Murphy supervised Strauss). As explained below, Murphy and Lombardo had authority to correct Strauss’s conduct; by extension, the Athletic Directors, who exercised supervisory authority over the Department, are also appropriate persons. *Doe v. Bd. of Educ. of Columbus City Schs.*, 2025 WL 888461, at *7.

OSU’s internal sexual harassment policies also point to Athletic Directors as appropriate persons. *See Dahmer*, 2022 WL 19296342, at *3 (considering a university’s own policies in determining whether an individual is an appropriate person). As early as 1980 and reaffirmed in 1983, OSU required “directors” to implement and disseminate its sexual harassment policy. *See Ex. 15; Ex. 16* at 4. The 1993 policy lists supervisors and directors as among those “authorized to

receive complaints” and tasked with “informal” “investigation” and resolution of complaints. Ex. 40 at 6 (1993 Policy stating that “formal” complaints must be investigated by the Office of Human Resources). A 1992 sexual harassment brochure held supervisors “liable” if they “ignore[d]” sexual harassment, directing them to “be aware of problems” and “[h]andle the situation. When a problem is brought to your attention, seek immediate resolution.” Ex. 43. Another circa 1993 brochure explicitly threatened sanctions for “an administrative official or supervisor who fails to respond to a complaint of sexual harassment.” Ex. 17 at 1362. Per its own policies, OSU considered athletic directors to have authority to take corrective action. As the First Circuit held, it suffices that the Athletic Directors could “initiate[] the ‘complaint handling’ procedure” and “alert” *others* who should investigate; OSU’s policies go further than that. *Wadsworth*, 129 F.4th at 70 (assistant principals could be appropriate persons when, under their school sexual harassment policy, the superintendent and others would investigate).

In short, Athletic Directors Hindman, Bay, Jones, and Geiger were appropriate persons with authority to relieve Strauss from his duties, occupying positions at the highest levels of the University hierarchy and having responsibility for enforcing OSU’s sexual harassment policies. Thus, they had “the authority to take corrective actions on [the University’s] behalf” and were “high enough up the chain-of-command that [their] decision[s] constitute[d] the [University’s] decision[s].” *Kesterson*, 967 F.3d at 527–29.

II. TWO DIRECTORS OF SPORTS MEDICINE/HEAD TEAM PHYSICIANS WERE APPROPRIATE PERSONS

Drs. Robert Murphy and John Lombardo, who served as the Directors of Sports Medicine/Head Team Physicians in the Athletics Department while Strauss was a Team Physician and Associate Director—and who were Strauss’s direct supervisors—were both appropriate persons with the “authority to take corrective action.” *Gebser*, 524 U.S. at 290. As

detailed below, Murphy and Lombardo had the “authority to discipline” Strauss. *Doe v. Teays Valley Local Sch. Bd. of Educ.*, No. 23-cv-2704, 2025 WL 2711381, at *7 (S.D. Ohio Sept. 23, 2025). They also had the authority to counsel and instruct Strauss on how he should conduct examinations, as well as initiate and conduct investigations if they believed he was committing misconduct. *See id.* (considering whether an individual had the authority to “initiate an investigation” in the appropriate persons analysis). Perkins Coie’s conclusion that the University had knowledge about Strauss’s sexual misconduct “as early as 1979” is based on the complaints Dr. Murphy received and acted on, as detailed below.

Murphy and Lombardo were high enough in the chain-of-command. [REDACTED]

[REDACTED]

[REDACTED] In the 1980s, Murphy reported to the “Council of Ten” about his student-athlete medical and training care program, where he supervised trainers and team physicians (including Strauss).

Ex. 20; *see also* [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Though the Directors of Sports Medicine and Head Team Physicians were below the Athletic Director in the organizational hierarchy, the Athletic Directors viewed them as “in control” over Strauss and “left the medical aspect within the Athletic Department to” them. Bay Dep. at 112, 155. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Murphy functioned as the senior supervisory authority over the athletics medical program, responsible for directing the conduct of those, including team physicians, who provided care to student-athletes.

The Director of Sports Medicine and Head Team Physician controlled Strauss's duties. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] As Director of Sports Medicine/Head Team Physician, Dr. Murphy clearly had "authority to take corrective action" to address Strauss's abuses from the moment Strauss joined his division. *Gebser*, 524 U.S. at 290.

Drs. Murphy and Lombardo could and did discipline Strauss. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Lombardo confirmed that the Medical Directors/Head Team Physicians were "in charge of supervising" Strauss and had the power "to take action against a team doctor who was sexually abusing student athletes." Lombardo Dep. at 15, 25–26. Indeed, the "job [was] to keep . . . male student athletes safe from being sexually abused by a team physician." *Id.* at 57–58. This included the "power to fire [a team physician]," to "[s]uspend him," *id.* at 115, and to "reprimand" him, *id.* at 32, 115. When Lombardo was taking over the head team physician role, Murphy told Lombardo

he would have to “deal with” the issue of Strauss taking showers with the athletes, further indicating that the Head Team Physician in fact *had the authority* to do just that. *Id.* at 144–45.

Both Murphy and Lombardo exercised these powers. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Lombardo removed Strauss as the fencing team’s physician [REDACTED]

[REDACTED] *See* Ex. 25, Krebs Dep. at 268–69; [REDACTED]. After receiving reports that athletes were uncomfortable, Lombardo “told [Strauss] he can’t have a locker with the athletes, and he can’t take showers with the athletes,” and threatened him with termination, saying: “if he keeps it up, he won’t be taking care of the athletes.” Lombardo Dep. at 19. Lombardo put Strauss on administrative leave from Athletics in January 1996, Ex. 22, Ninos Dep. at 95–96, and [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Murphy’s receipt of complaints about Strauss’s showering and long genital exams in 1979 aligns with OSU’s *own* admission adopting the Perkins Coie findings that “university personnel” had knowledge of Strauss’s behavior “as early as 1979 but failed to investigate or act meaningfully.” Ex. 26.

Others at OSU confirmed that both Murphy and Lombardo had the power to stop Strauss's abuse. According to Assistant Athletic Director Larry Romanoff, Murphy could have removed Strauss as a team doctor. Ex. 27, Romanoff Dep. at 104. And as Athletic Director Geiger confirmed, as Strauss's "immediate boss," Lombardo had the power to "reprimand" and the "power and ability to supervise" Strauss. Geiger Dep. at 235–36. Head Athletic Director Bill Davis testified that, if a student had reported that Strauss sexually had abused them, he would have reported it in the '80s to "Dr. Murphy and in the '90s . . . [to] Dr. Lombardo." Ex. 28, Davis Dep. at 313. Senior Associate Athletic Director Krebs assumed that, if complaints about Strauss's showering "required an investigation," it would be "John Lombardo's" job to investigate. Krebs Dep. at 305. When concerns were raised about Strauss's conduct with fencers, Krebs asked Lombardo "to look into" the issue, as the "the supervisor of Dr. Strauss." *Id.* at 117. In fact, Krebs agreed that it was Lombardo's decision made "*on his own*" to remove Strauss from the fencing team after complaints. Krebs Dep. 268–69 (emphasis added). [REDACTED]

While Murphy's and Lombardo's supervisory authority over Strauss is enough to make them appropriate persons, OSU also gave them the authority to initiate investigations into, and handle complaints related to, sexual harassment. As noted *supra* at 8–9, the University's sexual harassment policies required administrative officers, directors, and supervisors—including a Director of Sports Medicine—to disseminate policies and "handle" "sexual harassment" problems, including informally investigating, at pain of "sanctions" and "liability." *See also* [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

As in *Dahmer*, where the Sixth Circuit considered the school’s own definition of who was an appropriate person, 2022 WL 19296342, at *3, OSU’s sexual harassment policies clearly authorize—and in fact mandate—the Directors of Sports Medicine and Head Team Physicians to address allegations of sexual harassment and abuse “on the school’s behalf,” *Kesterson*, 967 F.3d at 258; *see also Dahmer*, 2022 WL 19296342, at *3 (official is appropriate person if he has duty to “address and remedy . . . sexual misconduct . . . on behalf of the institution, and whose knowledge of such conduct can put the institution on notice”).

In short, the evidence establishes that, as Strauss’s supervisors during their respective stints as Director of Sports Medicine/Head Team Physician, both Dr. Murphy and Dr. Lombardo had “authority to institute corrective measures” to halt Strauss’s abuse. *Gebser*, 524 U.S. at 277. As in *Doe v. Teays Valley*, the Head Team Physicians’ “authority to discipline” and “to initiate an investigation” identifies them as appropriate persons. 2025 WL 2711381, at *7. Additionally, their clear supervisory role over Strauss establishes their ability to take corrective action. *See J.S., III.*, 877 F.3d at 990 (holding even a *teacher* can be an appropriate person if [she/he] had supervisory power over the abuser and could take *some* sort of corrective action, such as reprimanding or correcting them). Because Directors of Sports Medicine and Head Team Physicians Murphy and Lombardo held supervisory power over Strauss, had the ability to relieve him of his duties to stop his abuse of students, and were tasked with investigating and remedying complaints of sexual harassment at OSU, they were both “at a minimum, an official of the [University] with authority to take corrective action to end the discrimination.” *Gebser*, 524 U.S. at 290.

III. SENIOR ASSOCIATE ATHLETIC DIRECTORS JONES AND KREBS, ASSOCIATE ATHLETIC DIRECTOR GRIFFIN, AND ASSISTANT ATHLETIC DIRECTOR ROMANOFF WERE APPROPRIATE PERSONS

In addition to Athletic Directors and Directors of Sports Medicine/Head Team Physicians, there were four others in the Athletic Department who had authority to take corrective action: James Jones, Paul Krebs, Archie Griffin, and Larry Romanoff. They all had authority to initiate and lead investigations into staff misconduct, “intiat[ing] the complaint handling procedure.” *Wadsworth*, 129 F.4th at 70 (internal quotation marks omitted). They were high in the chain of command and had broad authority in the Department. *See Frederick* 149 F. Supp. 2d at 837 (finding that an Assistant Dean was an appropriate person when that dean had “broad authority to address problems”). [REDACTED]

[REDACTED]

[REDACTED]; Perkins Coie Report at 89–91, 100.

Senior Associate Athletic Directors had the authority to initiate and lead investigations into staff misconduct. Athletic Director Geiger confirmed Krebs had authority to follow up on complaints. Geiger Dep. at 191. And in a 1994 letter, Lombardo reported the results of an investigation back to Krebs. *See Ex. 32* at 615.

Senior Associate Athletic Directors were also high in the chain of command and had broad authority in the Athletics Department as a whole. Senior Associate Athletic Directors were the “number two” to the Athletic Director. Krebs Dep. at 31; *see also* Geiger Dep. at 234 (acknowledging the same). Athletic Director Geiger affirmed that Krebs had “a big job” and was his “right-hand man.” Geiger Dep. at 234. Athletic Director Bay confirmed that he “delegated the day-to-day operations of male student-athlete sports” to his Senior Associate Athletic Directors and he expected them to “take care of” and “resolve” issues. Bay Dep. at 167. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Similarly, Head Team Physician Lombardo acknowledged that Krebs was “indirectly” his boss. Lombardo Dep. at 46.

Associate Athletic Director Archie Griffin also had broad authority in the Athletics Department and the power to investigate complaints of sexual harassment. Griffin stressed that he “always expected that if captains had a complaint, . . . my door was open to them and they [could] come and talk with me.” Griffin Dep. at 102. This was confirmed by Krebs, who said that complaints about Strauss showering with athletes would have been referred “to the supervisor of the sport . . . [,] either Bill M[y]les or *Archie Griffin*.” Krebs Dep. at 216–17 (emphasis added). Griffin himself agreed that, if there was a problem with Strauss, he could have “help[ed] address the situation and hopefully fix the problem,” Griffin Dep. at 199, and that he would have “want[ed] to do something about” any of Strauss’s sexual misconduct, *id.* at 206. Thus, Griffin agreed that he had the power to “take corrective action.” *Gebser*, 524 U.S. at 290.

Assistant Athletic Director Larry Romanoff was also an appropriate person as he was responsible for compliance in the University and the well-being of student athletes. *Cf. Colbert*, 2024 WL 796548, at *6 (holding that an “assistant athletic director” may have “the authority to take corrective action to end harassment by one of the university’s coaches”). Romanoff was responsible for “compliance” in the Athletics Department. Romanoff Dep. at 62, 64. He acknowledged that his responsibilities included the safety and well-being of students in the Athletics Department. *Id.* at 63. Thus, he had “broad authority to address problems and institute corrective measures.” *Frederick*, 149 F. Supp. 2d at 837.

As supervisors in the Athletic Department, these four individuals were clearly tasked under OSU’s own policies for investigating and resolving complaints of sexual harassment. *See*

supra at 8–9. The fact that Jones (while he was Senior Associate Athletic Director), Krebs, Griffin, and Romanoff may not have had direct authority to hire or fire Strauss is not dispositive of their status as appropriate persons. *See Wadsworth*, 129 F.4th at 70 (finding that even though assistant principals did not have disciplinary authority over the harasser, they still had a “high rank as officials” and could be an appropriate person). *Lipian* addressed this situation in the context of a department chair, finding that though he did not have “the authority to discipline” the harasser, he was nevertheless an appropriate person because he “had at least the authority to monitor [the harasser’s] interactions with his students, instruct [the harasser] on proper student-faculty behavior and boundaries, and involve himself or others in” the harasser’s meetings with students. 453 F. Supp. 3d at 958. Similarly here, by being either the “number two” to the Athletic Director or being tasked with responding to and resolving student complaints, Jones, Krebs, Griffin, and Romanoff were appropriate persons because they had the power to “monitor” Strauss, *id.*, “intervene at some level” to stop Strauss’s abuse, *Frederick*, 149 F. Supp. 2d at 837, and “investigate sexual harassment complaints,” *Logan v. Sycamore Cmty. Sch. Bd. of Educ.*, No. 1:09-cv-00885 (SAS), 2012 WL 2011037, at *5 (S.D. Ohio June 5, 2012).

IV. DIRECTORS OF STUDENT HEALTH SERVICES WERE APPROPRIATE PERSONS

Student Health Directors, who were Strauss’s “ultimate supervisor[s]” in Student Health Services, Ex. 34, Grace Dep. at 130, were all appropriate persons while Strauss was a physician there.¹ They had authority to fire or put Strauss on leave, as well as monitor his interactions with students by requiring him to use a chaperone. They also had the power to “admonish[] [Strauss],

¹ There were six Directors or temporary Acting Directors of Student Health Services while Strauss was working at OSU: H. Spencer Turner (1978–Dec. 1980), William Brown (Jan. 1981–Aug. 1981), Doris Charles (Aug. 1981–Jun. 1990), Forrest Smith (Acting Director Jul. 1990–Jan. 1992), Eric Busch (Acting Director Jan. 1992–Jul. 1992), and Ted Grace (Aug. 1992–1996). *See* Ex. 29 at 9–10 (May 30, 2025).

conduct[] a thorough preliminary investigation, swiftly report[] the abuse, and monitor[] [Strauss’s] behavior.” *Doe v. Sch. Bd. of Broward Cnty.*, 604 F.3d at 1257.

Director of Student Health Dr. Ted Grace testified that Strauss was “under [his] command,” and he had “responsibility for Dr. Strauss’s conduct.” Grace Dep. at 109, 126. He testified that he had authority to fire Strauss, put him on leave, require increased monitoring of him, require him to have a chaperone present during exams, require him to undergo more training, and to otherwise discipline him. *Id.* at 130–31. Dr. Roger Miller, Student Health Center Medical Director who reported to Grace, testified that Grace “had the authority to end [Strauss’s] association with the Student Health Center immediately.” Ex. 35, Miller Dep. at 298. This supervisory relationship also existed in the 1980s, when Doris Charles (Director) was Forrest Smith’s (Assistant Director) supervisor, and Dr. Smith was, in turn, Strauss’s supervisor. *See* Ex. 11 at 2580; *see also* Ex. 36 (Charles signing off as director and mentioning Strauss in response to criticisms of him by Dr. Henderson). [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Dr. Grace used this authority to investigate, discipline, and remove Strauss. Grace testified he “investigated every complaint” made about a Student Health physician. Grace Dep. at 327. And in January 1995, two students brought complaints about Strauss to Grace. *See id.* at 63. So Grace required a “consent form that include[ed] asking if [a student] would like a chaperone” during a medical exam, *id.* at 152–53 [REDACTED]

[REDACTED] Grace also held a “mediation” between Strauss and one complaining student, Grace Dep. at 170. A year later, in 1996, after yet another student brought a complaint against Strauss, Grace placed Strauss on administrative leave and informed Strauss his student health contract was not renewed. *See id.* at 240–41; Ninos Dep. at 134.

The Directors also had authority to “initiate an investigation,” a “corrective measure that could [have] end[ed]” Dr. Strauss’s abuse, as they oversaw the complaint handling procedure at Student Health Services. *Doe v. Teays Valley*, 2025 WL 2711381, at *7. As Strauss’s ultimate supervisor, according to OSU’s own sexual harassment policy, he or she was required to “take action to stop the harassment” and “promptly investigate [a] complaint” with “assistance” from Human Resources, and he or she had the explicit authority to “receive and investigate complaints.” Ex. 17 at 1361 (emphasis in original); *see also supra* at 8–9 (detailing a supervisor’s responsibilities under the policy). Miller testified that any actions to escalate a complaint beyond student health or report it to the police was something that Grace “took full responsibility for.” Miller Dep. at 256. The Directors of Student Health had the “authority and responsibility under [University] policies to investigate sexual harassment complaints and enforce sexual harassment . . . policies,” and they were appropriate persons. *Logan*, 2012 WL 2011037, at *5.

V. SEVEN HIGH-LEVEL ADMINISTRATORS WERE APPROPRIATE PERSONS

There are seven other high-level administrators who were clearly appropriate persons based on their role in investigating or addressing sexual harassment complaints. *See, e.g., Jennings v. Univ. of N.C.*, 482 F.3d 686, 700–01 (4th Cir. 2007) (holding that “counsel to the University” who was “responsible for fielding sexual harassment complaints” was an appropriate person); *Hall v. Millersville Univ.*, 22 F.4th 397, 410 (3d Cir. 2022) (finding “Deputy Title IX

Coordinator” could be an appropriate person as they “had the responsibility to investigate reports of sexual misconduct” and “ensure the report was received by” the Title IX Coordinator). One such administrator is Helen Ninos, the Associate General Counsel for Human Resources and Legal Affairs beginning in 1992 or 1993. *See* Ninos Dep. at 51. In that position, Ninos was responsible for employee relations matters, including investigating sexual harassment complaints. *Id.* at 53. She agreed that she was “the natural person to deal” with a complaint from the Athletics Department. *Id.* at 156, 139. She decided the scope of the 1996 Strauss investigation and was “representing the [U]niversity relative” to it. *Id.* at 136, 282–83. She was also involved in developing the University’s sexual harassment policy. *Id.* at 53–54.

Ninos reported to both Linda Tom²—Vice President of Student Affairs—and Virginia Tretheway—General Counsel—who in turn reported to the President. *See* Ninos Dep. at 51–52. “Per lesser-includes-the-greater logic,” Tretheway and Tom were appropriate persons. *Doe v. Bd. of Educ. of Columbus City Schs.*, 2025 WL 888461, at *7. By the same logic, because appropriate person Grace reported to the Assistant Vice President of Student Affairs Mary Daniels, and for a time to Vice President for Health Services Manuel Tzagournis, they—along with Vice Presidents of Student Affairs Russel Spillman and David Williams—were appropriate persons. *See* Grace Dep. at 22, 50–51.

CONCLUSION

The evidence establishes, and this Court should find, that all the individuals described above were “appropriate persons,” as they all had “authority to take corrective action” to address Strauss’s sexual abuse. *Gebser*, 524 U.S. at 290. Any material fact in dispute as to whether any of these individuals was an “appropriate person” should be decided by the jury.

² OSU concedes Linda Tom was an appropriate person but only as to appeals; that limitation is at odds with the law.

Dated: May 4, 2026

Respectfully submitted,

/s/ Debra L. Greenberger

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**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STEVE SNYDER-HILL, et al.,

Plaintiffs,

v.

THE OHIO STATE UNIVERSITY,

Defendant.

Case No. 2:23-cv-02993

Judge Michael H. Watson

Magistrate Judge Elizabeth P. Deavers

WILLIAM KNIGHT, et al.,

Plaintiffs,

v.

THE OHIO STATE UNIVERSITY,

Defendant.

Case No. 2:23-cv-02994

Judge Michael H. Watson

Magistrate Judge Elizabeth P. Deavers

EDWARD GONZALES, et al.,

Plaintiffs,

v.

THE OHIO STATE UNIVERSITY,

Defendant.

Case No. 2:23-cv-3051

Judge Michael H. Watson

Magistrate Judge Elizabeth P. Deavers

**DECLARATION OF DEBRA L. GREENBERGER IN SUPPORT OF
PLAINTIFFS' BRIEFING ON APPROPRIATE PERSONS**

Debra Greenberger, an attorney duly admitted to practice *pro hac vice* before this Court, declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a partner at the law firm Emery Celli Brinckerhoff Abady Ward & Maazel LLP, attorneys for Plaintiffs in the *Snyder-Hill* action against Ohio State. I submit this Declaration in support of Plaintiffs' Briefing for Appropriate Persons.

Conferral Efforts

2. On April 27, 2026, Plaintiffs e-mailed OSU their proposed appropriate persons of nineteen (19) identified employees, as well as all individuals above Helen Ninos and David Williams in the OSU hierarchy, including Presidents and Board members.

3. On April 29, Plaintiffs proposed an additional five (5) appropriate persons.

4. OSU responded on April 29 that the only appropriate persons at the University during Strauss' nearly 20 year tenure were: the Office of Affirmative Action (until 1993), Linda Tom ("from 11/5/93 on and for purposes of any appeals") and David Williams ("from 11/5/93 on"), plus the Presidents and Board ("but not individuals Board of Trustees members").

5. Counsel conferred via videoconference later on April 29, during which Plaintiffs explained their list with reasoning for identifying these appropriate persons, and OSU confirmed its position and that it would not agree to additional appropriate persons.

6. On Friday May 1, 2026 at 7:11 PM, Plaintiffs' counsel received an email from Defendant detailing four individuals who they "believe are the highest-ranking employees in the Office of Affirmative Action between 1978 and 1993." The email did not indicate that Defendant conceded those individuals as appropriate persons.

Exhibits

7. Consistent with Section IV of this Court's Standing Orders, where Plaintiffs cite a portion of a deposition transcript, Plaintiffs are filing the entirety of the transcript.

8. Attached as Exhibit 1 is a true and correct copy of Dr. Richard Strauss's 1985 Curriculum Vitae, bearing the bates number STRAUSSREFERENCE0002127.

9. Attached as Exhibit 2 is a true and correct copy of a July 31, 1996 Fax from Helen Ninon to Dr. John Lombardo, bearing the bates number STRAUSSREFERENCE0000448.

10. Attached as Exhibit 3 is a true and correct copy of the 30(b)(6) deposition transcript of Christopher Glaros, taken on April 16, 2026. This document is not being filed publicly at this time, pending the resolution of Plaintiffs' motion to file under seal and any motions by Defendant for continued sealing.

11. Attached as Exhibit 4 is a true and correct copy of a portion of the Department of Education's summary of findings from a Title IX compliance investigation into OSU, dated December 22, 1983, bearing the bates number OSU_00007123. This document is not being filed publicly at this time, pending the resolution of Plaintiffs' motion to file under seal and any motions by Defendant for continued sealing.

12. Attached as Exhibit 5 is a true and correct copy of the deposition transcript of John Lombardo, taken on November 12, 2019.

13. Attached as Exhibit 6 is a true and correct copy of an October 25, 1982 letter from Dr. Robert Murphy to Edward Jennings, bearing the bates number STRAUSSREFERENCE0002640.

14. Attached as Exhibit 7 is a true and correct copy of the deposition transcript of Archie Griffin, taken on November 6, 2025.

15. Attached as Exhibit 8 is a true and correct copy of the deposition transcript of Andy Geiger, taken on July 16, 2025.

16. Attached as Exhibit 9 is a true and correct copy of OSU's University Health Services Personnel Roster 1981-1982, bearing the bates number STRAUSSREFERENCE0000231.

17. Attached as Exhibit 10 is a true and correct copy of an August 6, 1996 fax, containing a letter sent from David Williams to Dr. Richard Strauss, bearing the bates number STRAUSSREFERENCE0000441.

18. Attached as Exhibit 11 is a true and correct copy of a November 15, 1985 letter containing an organization chart of University Health Services, bearing the bates number STRAUSSINVPC2574.

19. Attached as Exhibit 12 is a true and correct copy of the deposition transcript of Caryn Trombino, taken April 25, 2026. This document is not being filed publicly at this time, pending the resolution of Plaintiffs' motion to file under seal and any motions by Defendant or Perkins Coie for continued sealing.

20. Attached as Exhibit 13 is a true and correct copy of the deposition transcript of Richard Bay, taken November 20, 2025.

21. Attached as Exhibit 14 is a true and correct copy of a July 3, 1990 letter from Gordon Gee to James Jones, bearing the bates number STRAUSSINVPC07664. This document is not being filed publicly at this time, pending the resolution of Plaintiffs' motion to file under seal and any motions by Defendant for continued sealing.

22. Attached as Exhibit 15 is a true and correct copy of the sexual harassment section of OSU's operating manual issued October 1, 1980, bearing the bates number STRAUSSREFERENCE0002231.

23. Attached as Exhibit 16 is a true and correct copy of the sexual harassment section of OSU's operating manual revised on January 6, 1983, bearing the bates number OSU_00000003.

24. Attached as Exhibit 17 is a true and correct copy of a brochure detailing OSU's sexual harassment policy, bearing the bates number STRAUSSINVPC1358.

25. Attached as Exhibit 18 is a true and correct copy of a proposed release on the Division of Sports Medicine, dated August 7, 1980, bearing the bates number STRAUSSINVPC08420. This document is not being filed publicly at this time, pending the resolution of Plaintiffs' motion to file under seal and any motions by Defendant for continued sealing.

26. Attached as Exhibit 19 is a true and correct copy of a letter from Hugh Hindman to Dr. Robert Murphy, dated March 17, 1981, bearing the bates number STRAUSSINVPC02779. This document is not being filed publicly at this time, pending the resolution of Plaintiffs' motion to file under seal and any motions by Defendant for continued sealing.

27. Attached as Exhibit 20 is a true and correct copy of minutes from a meeting of the Council of Ten, bearing the bates number STRAUSSREFERENCE0006493.

28. Attached as Exhibit 21 is a true and correct copy an October 14, 1982 letter to Dr. David Henderson, bearing the bates number STRAUSSREFERENCE0006495.

29. Attached as Exhibit 22 is a true and correct copy of the deposition transcript of Helen Ninos, taken March 6, 2026.

30. Attached as Exhibit 23 is a true and correct copy of the December 4, 1996 State Medical Board of Ohio Report of Investigation into Dr. Strauss, bearing the bates number OSU_00047692. This document is not being filed publicly at this time, pending the resolution of Plaintiffs' motion to file under seal and any motions by Defendant or the Medical Board of Ohio for continued sealing.

31. Attached as Exhibit 24 is a true and correct copy of an August 18, 1981 letter from Dr. Robert Murphy to Hugh Hindman, bearing the bates number STRAUSSREFERENCE0003676. This document is not being filed publicly at this time, pending the resolution of Plaintiffs' motion to file under seal and any motions by Defendant for continued sealing.

32. Attached as Exhibit 25 is a true and correct copy of the deposition of Paul Krebs, taken September 30, 2025.

33. Attached as Exhibit 26 is a true and correct copy of the following article: President Michael Drake, *A Message from President Drake: Strauss Investigation Report*, OSU Office of the President (May 17, 2019).

34. Attached as Exhibit 27 is a true and correct copy of the deposition transcript of Lawrence Romanoff, taken November 4, 2025.

35. Attached as Exhibit 28 is a true and correct copy of the deposition transcript of Bill Davis, taken December 4, 2025.

36. Attached as Exhibit 29 is a true and correct copy of a portion of OSU's May 30, 2025 Responses and Objections to Plaintiffs' joint first sets of interrogatories and requests for production of documents.

37. Attached as Exhibit 30 is a true and correct copy of an OSU Athletics brochure for the 1992-1993 season, bearing the bates number OSU_00002651. This document is not being filed publicly at this time, pending the resolution of Plaintiffs' motion to file under seal and any motions by Defendant for continued sealing.

38. Attached as Exhibit 31 is a true and correct copy of the February 14, 1989 minutes of a meeting of the Athletic Counsel of OSU, bearing the bates number STRAUSSINVPC08402. This document is not being filed publicly at this time, pending the resolution of Plaintiffs' motion to file under seal and any motions by Defendant for continued sealing.

39. Attached as Exhibit 32 is a true and correct copy of a November 7, 1994 Letter from Dr. John Lombardo to Paul Krebs, bearing the bates number STRAUSSREFERENCE0000615.

40. Attached as Exhibit 33 is a true and correct link to the following video: *Ohio State President Drake on Strauss Report Findings: "I Was Disgusted"*, 10 WBNS (May 31, 2019) <https://www.10tv.com/article/news/local/ohio-state-president-drake-strauss-report-findings-i-was-disgusted-2019-may/530-19770e51-07c4-4939-a968-5e03b3803435>.

41. Attached as Exhibit 34 is a true and correct copy of the deposition transcript of Dr. Ted Grace, taken November 20, 2019.

42. Attached as Exhibit 35 is a true and correct copy of the deposition transcript of Dr. Robert Miller, taken February 12, 2020.

43. Attached as Exhibit 36 is a true and correct copy of an October 1, 1982 letter from Dr. Doris Charles to Dr. William Nester, bearing the bates number STRAUSSREFERENCE0000222.

44. Attached as Exhibit 37 is a true and correct copy of Perkins Coie interview notes from a July 20, 2018 interview with [REDACTED], bearing the bates number STRAUSSINVPC109. This document is not being filed publicly at this time, pending the resolution of Plaintiffs' motion to file under seal and any motions by Defendant or Perkins Coie for continued sealing.

45. Attached as Exhibit 38 is a true and correct copy of Perkin Coie interview notes from a May 11 and May 15 interview of [REDACTED] bearing the bates number STRAUSSINVPC31. This document is not being filed publicly at this time, pending the resolution of Plaintiffs' motion to file under seal and any motions by Defendant or Perkins Coie for continued sealing.

46. Attached as Exhibit 39 is a true and correct link to the following: Caryn Trombino & Markus Funk, *Report of the Independent Investigation*, Perkins Coie, 31–37 (May 15, 2019) (“Perkins Coie Report”), available at <https://content.presspage.com/uploads/2170/reportoftheindependentinvestigationaccessible-376071.pdf?10000>.

47. Attached as Exhibit 40 is a true and correct copy of the sexual harassment section of OSU's Policy and Procedure Manual revised November 5, 1993, bearing the bates number OSU_00000005.

48. Attached as Exhibit 41 is a true and correct copy of an interview summary from an August 30, 2018 Perkins Coie interview of David Williams, bearing the bates number

STRAUSSINVPC398. This document is not being filed publicly at this time, pending the resolution of Plaintiffs' motion to file under seal and any motions by Defendant or Perkins Coie for continued sealing.

49. Attached as Exhibit 42 is a true and correct copy of the deposition transcript of Gordon Gee, taken April 3, 2026. This document is not being filed publicly at this time, pending the resolution of Plaintiffs' motion to file under seal and any motions by Defendant for continued sealing.

50. Attached as Exhibit 43 is a true and correct copy of an OSU sexual harassment information pamphlet from 1992, bearing the bates number OSU_030739.

Dated: May 4, 2026

Respectfully submitted,

/s/ Debra L. Greenberger

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