

PUBLIC INTEREST

# MSU seeks to dismiss lawsuits filed by more than 100 Larry Nassar victims

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The Beaumont Memorial Tower on the campus of Michigan State University in East Lansing, Michigan. MLive.com

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By [Lauren Gibbons | lgibbon2@mlive.com](#)

Lawyers for Michigan State University are seeking to dismiss the claims of more than 100 people who say they were sexually abused by former university doctor Larry Nassar.

In a lengthy motion filed in federal court this week, attorneys argued the university can't be held liable for claims brought by 107 so-called "wave two" Nassar survivors - who filed claims after university officials agreed in May 2018 to pay \$500 million to women abused by Nassar, a longtime MSU doctor who molested hundreds of women and girls over decades.

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The 2018 settlement agreed to by MSU and Nassar victims paid out \$425 million to the more than 300 initial claimants and set \$75 million aside for future claimants.

Among other arguments, the filing claimed MSU is immune from liability for Nassar's conduct, the plaintiffs don't have sufficient standing and that the suits weren't filed within the statute of limitations.

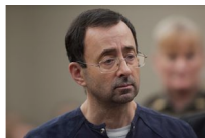
"Nassar committed horrible crimes. As a matter of law, however, the MSU Defendants are not liable for his crimes," the motion reads. "Plaintiffs' Complaints must be dismissed."

The motion also suggests MSU could not have known the extent of Nassar's abuse, calling allegations that several university employees had received complaints about Nassar "insufficient as a matter of law to put MSU on notice."

The Title IX complaint filed against Nassar in 2014 by Amanda Thomashow also did not put MSU on notice "because Nassar was cleared of wrongdoing at the time," the attorneys wrote.

"Although Nassar's actions were repugnant and merit the heavy criminal penalties imposed upon him, the law does not support Plaintiffs' attempts to hold the MSU Defendants liable for his wrongs," the motion concludes.

### **\$500M settlement reached between Michigan State and Nassar**



## victims

The motion was decried by Nassar survivors and advocates, who suggested the filing was a misstep by the university.

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On Twitter, Thomashow wrote in reaction to the news that she was told by MSU doctor Jeffery Kovan that Nassar's Facebook had been shut down because he had too many underage female friends.

"Facebook thought he was a predator, but somehow even after reports of misconduct MSU had no idea? K." she wrote.

In a statement, Michigan Association for Justice President Robert J. MacDonald said MSU "continues to deny its own responsibility" in giving Nassar access to young women after months of vowing to make amends.

"The deplorable action taken by MSU reveals the university's true colors," he said in the statement. "Contrary to its public statements, the university continues to obstruct the path to healing for these survivors. A culture of indifference and institutional protection remains at MSU."

[More than 160](#) "wave two" plaintiffs sued the university after the 2018 settlement, although some of those cases have already been settled.

Under the conditions of the \$75 million fund, victims have two years to access it before no new claims will be considered and any remaining funds are diverted into the fund for the

original plaintiffs. And while some of the fund could go toward settlements, the university is authorized to spend 8 percent of it to defend itself against new Nassar lawsuits.

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Some attorneys for the “wave two” plaintiffs have argued \$75 million is inadequate to settle the remaining cases.



### ‘Wave 2’ Nassar victims seek more money from Michigan State University

Nassar, a former MSU sports medicine doctor and team doctor for USA Gymnastics, is currently serving a 60-year prison sentence on federal child pornography convictions.

If he is still alive at the end of his federal sentence, he will head to state prison to serve time for sexually abusing women and girls over decades, often under the guise of medical treatment.

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