

## **Nassar Scandal - What About MSU Invoking Attorney Client Privilege?**

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Recently public officials including the Michigan Attorney General have again tried to increase the heat on MSU and force the Trustees to release about 6,000 documents related to the Nassar Scandal, which they refuse to release citing attorney client privilege. You will recall that William Forsyth the special investigator for the Michigan Attorney General issued a report in Dec., 2018. He stated that the MSU Trustees welcomed his investigation, and then refused to release the necessary documents citing attorney client privilege. In June, 2019, the MSU trustees ordered another investigation of the Nassar Scandal. This investigation did not go forward because the trustees refused to release the required documents.

On separate occasions reporters have questioned interim President Udpa, current President Stanley, and some of the Trustees about why the documents will not be released. The gist of their answer is that MSU is involved in lawsuits against insurance companies that will not pay for claims against MSU concerning Nassar. An insurance policy is like a contract. The insured must meet the terms of the policy in order for the insured to collect on a claim. Perhaps, some of the withheld documents contain information that MSU was not compliant with the terms of the policy. Releasing the documents would be detrimental against MSU as the lawsuits progress. Would it be fraud if MSU withheld requested documents during the discovery phase of a lawsuit?

The Michigan Attorney General is looking for criminal conduct on the part of past and current MSU employees. I feel the main reason that the Trustees will not release the request documents to the Michigan Attorney General is because they are protecting past and current employees of interest. **I feel the answers from the above individuals about the documents being detrimental to MSU's pending lawsuits does not carry a lot of weight.**

Has anyone checked what the lawsuits that were cited by the above officials are all about? What is the time line of these lawsuits? Are the lawsuits projected to run beyond the statute of limitations for criminal charges?