

Dear reader,

In the Georgia State Court of DeKalb County in Decatur, Robert Gross, with Emory University Neurosurgery Department, has been sued for defamation, deceit, breach of fiduciary duties, breach of private duties, gross negligence, conspiracy and punitive damages.

In the same court, Daniel Barrow, Chair of Emory University Neurosurgery Department, has been sued for defamation, deceit, breach of fiduciary duties, negligence and punitive damages.

In the same court, Thomas Lawley, Dean of Emory University Medical School, has been sued for deceit, breach of fiduciary duties, negligence, conspiracy and punitive damages.

Emory has also been sued.

Due to Defendants' misconducts, Plaintiff, a foreigner, who earned a Ph.D. after years of effort has been unemployed and unemployable for over 28 months. Unconscionably ignoring unbearable damages inflicted on Plaintiff by their acts, defendants wish to drag the farce even longer behind Emory-funded attorneys to their end. On the other hand, Plaintiff cannot afford an attorney. Nonetheless, Plaintiff determines with all his strength and ability that he will fight till the end when justice is served. Before this message is sent, defendants were given a chance to undo injustice immediately. They refused. Therefore, this message is an extraordinary step under extraordinary situation in an effort to spread the truth and shorten the agonies. Your understanding is gracefully appreciated.

The following is the factual basis for the civil actions and taken from court filings. You are welcome to view them in their entirety. At this stage, Plaintiff believes it is proper to replace his name with 'X' in the following account.

It is long, please bear it. Thanks.

1. Plaintiff has a PhD in molecular biology. In 2003, Emory University (“Emory”) entered into an employment contract to employ Plaintiff as a postdoctoral trainee, or fellow, to conduct molecular biology research for its Medical School Department of Neurosurgery in the laboratory of Robert E. Gross (“Defendant Gross”), for a period of one year. This contractual agreement, signed by Plaintiff and Defendant Gross, on Emory’s behalf, clearly stated “[y]ou (Plaintiff) may view the benefits and policies associated with your employment by accessing Emory’s postdoctoral program website. www.emory.edu/WHSC/MED/POSTDOC/index/html” (now changed), Plaintiff’s “appointment is annually renewable, contingent upon satisfactory performance, and the availability of funding. At the close of each academic year, I will provide you with a performance evaluation that will determine your eligibility for a merit pay increase based on the quality of your performance”, “[y]our (Plaintiff’s) endorsement and return of this appointment offer to me (Defendant Gross) will serve as evidence of your acceptance of this position and its conditions”. Using the provided link, Plaintiff located the documents referred to, including, but not limited to, “Policy for Postdoctoral Fellows/Emory University School of

Medicine”, “Performance Management”, “Standards of Conduct”, “Corrective Discipline”, “Procedure for Handling Complaints & Grievances Not Involving Discrimination”.

2. Emory’s “Policy for Postdoctoral Fellows” stated “[u]nsatisfactory job performance or failure to comply with University Standards of Conduct should be discussed with the fellow and documented in writing (by mentor)”, “[i]f disputes arise between postdoctoral fellow and mentor or others of the University community...the grievance may be pursued ... as outlined in Emory University Human Resources Policies & Procedures: Procedure for Handling Complaints and Grievances Not Involving Discrimination. Resolution may be sought for matters that are not otherwise covered by grievance procedures of the University through the Office of the Dean, School of Medicine”.

3. The “Policy for Postdoctoral Fellows” further provided “[p]ostdoctoral research opportunities at Emory University School of Medicine are intended to foster the training of basic and clinical research scientists. Included within this goal is the concept that postdoctoral fellows, with the guidance of their mentors, will develop a scientific project that utilizes the creativity and independence of the fellow. In this spirit, the mentor will provide adequate facilities, funds, and the appropriate guidance to achieve the agreed upon goals of the project. In addition, mentors should provide guidance in critical review of scientific information, grant writing, manuscript writing and preparation, presentation of scientific information, and in the art of performing research. Mentors should also advise and as possible, aid fellows in decisions regarding future employment potential and career paths”.

4. In addition, “Corrective Discipline” provided “[a]ll communications with employees regarding discipline should clearly identify the issues of concern and should be clear and direct. Discipline should be timely and consistent and it should not be administered in haste or anger”.

5. From April 2003 to 2006, based on documented satisfactory evaluations of Plaintiff’s work performance, signed by Plaintiff and Defendant Gross, Emory repeatedly renewed Plaintiff’s employment contract from year to year with merit pay increases. On February 17, 2006, Emory entered into a third contract renewal to employ Plaintiff till February 26, 2007. As the wording of each agreement and the intentions of both signing parties indicated, contracts signed in 2004, 2005 and 2006 were mere renewals or extensions of the one signed in 2003. Both parties did not express an intention to change the terms and conditions of Plaintiff’s employment with Emory. During the entire period of Plaintiff’s employment with Emory including when Emory terminated and breached Plaintiff’s employment contract, Plaintiff was continually employed and consistently dealt with as a postdoctoral trainee, notwithstanding sometimes referred to as postdoctoral fellow, or postdoctoral biologist.

6. As a postdoctoral researcher, Plaintiff’s research was intended to support the effort to improve the outcome of transplantation treatment for Parkinson’s disease and included molecular biology lab work to study the mechanism of axonal growth inhibition of neural stem cells and developing strategies to counteract inhibitory influences. Plaintiff’s research project was, until May 2006, a work-in-progress near completion, as evidenced by a written manuscript for publication entitled, “Enhancement of Neurite Outgrowth From Primary and Stem-cell Derived Neurons by Lentiviral-vector Mediated Modulation of Rho GTPase”.

7. Enrique Torre (“Defendant Torre”), an employee of Emory in Defendant Gross’ laboratory, had unduly resulted in verbal conflicts with Plaintiff on several occasions since he joined to work for Defendant Gross in 2004, albeit Plaintiff’s effort to maintain a courteous professional relationship with him. Although being purely his own misperceptions, Defendant Torre regarded his faculty status giving him some superiority over Plaintiff in scientific discussions and use of laboratory facilities, etc. On the morning of May 17, 2006, without providing notice and any justifications whatsoever, expressed or implied, then and even to this day to any party, Defendant Torre ignored a written standing reservation of a dissecting bench posted by Plaintiff in performing Plaintiff’s contractual duties and intended to occupy Plaintiff’s reserved workplace. Plaintiff’s reservation read “[i]f you have to use this bench on any Wednesday from 9 AM through 12 PM, please let me know. Appreciate it. XX” and was posted inside the bench at least ten days prior to May 17. Since Plaintiff’s research work was very time-sensitive and involved about four weeks of scheduled work prior to and following each Wednesday, Plaintiff could not drop his planned work without great loss. Therefore, to avoid a confrontation as well, Plaintiff initiated an effort to seek a solution. Plaintiff asked Defendant Torre whether he had to utilize the bench on that morning. Defendant Torre responded affirmatively. Then Plaintiff reminded Defendant Torre that it had been a routine for Plaintiff to do the dissecting work on Wednesdays, as Defendant Torre was previously orally made aware by Plaintiff, and asked why Defendant Torre did not inform Plaintiff about his plan in advance. Defendant Torre replied “you talk to me” while pointing his finger. During the entire period, Plaintiff did not provoke Defendant Torre orally and/or physically. Plaintiff only insisted on obtaining justifications for Defendant Torre’s disregard of Plaintiff’s reservation and asserted that, without good cause on Defendant Torre’s part, Plaintiff would proceed with his reservation. Out of a sudden, Defendant Torre

leaned against Plaintiff and put his face over Plaintiff's. He's about 6'3" in height and Plaintiff's 5'8". Defendant Torre wiggled all his fingers over Plaintiff's face while quivering his lips with tongue tip exposed to insult Plaintiff. He repeated doing this three times. In between, Defendant Torre provoked Plaintiff verbally "What can you do about it?" repeatedly to Plaintiff's face. Plaintiff was deeply offended and infuriated. Out of anger, frustration and impulse to end Defendant Torre's provocation, Plaintiff tumbled Defendant Torre's mice cage which was by Plaintiff's hand on a table. Defendant Torre did stop making faces, but he suddenly slapped Plaintiff on the left side face and neck forcefully. After being struck and facing continued physical threats, Plaintiff used necessary force to defend himself. Realizing not being able to take advantage of his height and only after Plaintiff's warning, Defendant Torre stopped physical provocations and retreated. While bearing bruises and feeling sever pain in his left-side face and neck, Plaintiff completed his scheduled work with delay. After completing his work, Plaintiff left the bench to be used by Defendant Torre. Around 1 PM on May 17, Plaintiff showed his injuries to Ms. E who worked in an adjacent laboratory of Emory Neurosurgery Department.

8. Shortly after the incident occurred, Defendant Gross became aware. Since there was no eye-witness of the event, no record showed that Defendant Gross was then able to determine what had occurred on May 17 and who was to blame. However, instead of seeking the truth as a responsible laboratory director would act, Defendant Gross almost immediately decided that Plaintiff was to be fired and Defendant Torre was to be excused purely based on calculation of his own interest. In order to portray Plaintiff as being not only guilty but the sole trouble-maker, Defendant Gross solicited and orchestrated, with others including Defendant Torre and investigators from Emory Neurosurgery Department, a conspiracy plot to defame Plaintiff and

terminate Plaintiff's employment with Emory. Their actions included, without limitation, the following,

(1) On May 18, 2006, as Plaintiff later became aware, Defendant Gross e-mailed to Jae Schmidt ("Schmidt"), Administrator of Neurosurgery Department, to introduce the parties involved in the May 17 incident, "XX XXX (post doc; history of interpersonal problems in the lab) and Enrique Torre (Asst Prof)". Unmistakably, Defendant Gross was making a false and undocumented allegation with a clear intention. A conspiracy against Plaintiff was taking shape.

(2) Being misled by Defendant Gross or acting as a co-conspirator, Schmidt consequently launched his inquiry into the May 17 incident with an undeniable bias. On May 22, during his first meeting with Schmidt, Plaintiff received a letter informing him being placed on Administrative Leave without pay pending Schmidt's investigation "of the review of the physical altercation you had" with Defendant Torre. Plaintiff provided Schmidt with his full recount of the May 17 incident. Noticeably, nothing other than the incident was discussed. As Plaintiff later became aware, Schmidt's memo of Plaintiff's meeting with him contained numerous miscounts and was not a truthful record of what was said by Plaintiff. In addition, Schmidt's wording was not neutral. On the other hand, Emory has refused to confirm that a similar letter was ever delivered to Defendant Torre although Schmidt subsequently met Defendant Torre on May 22.

(3) On May 22, as Plaintiff later became aware, during his meeting with Schmidt, Defendant Torre lied about the May 17 incident and attacked Plaintiff with fabricated interpersonal problems. (i) Defendant Torre asserted that he "had noted a sign in the area" and mistakenly thought it was for a specific Wednesday. Defendant Torre further stated that another employee clarified "every Wednesday" to him later, which meant that Plaintiff's note could be correctly

received by others. (However, on May 30, Defendant Torre told Daniel Barrow that he had “no prior knowledge” regarding Plaintiff’s reservation of the bench for Wednesday mornings. See below). Nonetheless, Schmidt did not question Defendant Torre why he had not clarified his confusion with Plaintiff before the dissection and, instead, he went ahead with a risk running into a conflict without any justifications and why Defendant Torre continued to obstruct Plaintiff’s scheduled work after being informed on the morning of May 17. (ii) Defendant Torre replied to Schmidt’s question “if he waved his hands in jest of Dr. XXX” with “I don’t know. . . maybe. . . it’s possible”. As having described, Defendant Torre provoked and insulted Plaintiff with his hands and mocking faces repeatedly. Five days later, Defendant Torre selectively lost his memory but did not dare to totally deny it. (iii) Defendant Torre alleged to Schmidt that he “pushed” Plaintiff “backwards with his right hand”. Defendant Torre’s confusion between “pushing” and “slapping” was as appalling as his untruthfulness. (iv) Defendant Torre complained to Schmidt about Plaintiff “refusing to share the workspace”. Such statement was as illogical as untruthful since not only Defendant Torre never intended to negotiate a solution and never suggested sharing of the workspace but more noticeably the dissection bench deemed merely to be used by one person at a time. Plaintiff could not have refused a non-existing and impractical request. (v) Defendant Torre contended, “despite his (Defendant Torre’s) efforts to help advance Dr. XXX’s career through mentorship and enforcement of scientific methods Dr. XXX perceived such feedback as criticism”, “Dr. XXX could not work in a team, and preferred to work alone without feedback from colleagues”, “having disagreements/arguments with Dr. XXX on occasion related to scientific methods, but without physical contact prior to the incident on 5/17”, “neither he, nor other lab members are able to share with Dr. XXX because he is ‘prone to explosions’”. Unmistakably, Defendant Torre’s fraudulent acts were committed for a

self-serving goal, to defame Plaintiff and evade responsibility. Deliberately or negligently, Schmidt documented Defendant Torre's allegations without further verification. Noticeably, Defendant Gross not only was present during the entire meeting but met Defendant Torre before Schmidt did. Importantly, prior to meeting Defendant Torre, Defendant Gross had already received information concerning what was communicated at Plaintiff's earlier meeting with Schmidt. Not surprisingly, Emory and other defendants have refused to disclose, to this day, the time and content of Defendant Gross' conversations with Defendant Torre regarding the May 17 incident and Plaintiff after May 17, 2006.

(4) Throughout Schmidt's investigation from May 22 till June 12, 2006, Defendant Gross never conferred with Plaintiff to seek information, not even through e-mail communication. Defendant Gross did not even mention a word regarding the May 17 incident during or after a meeting in his office where all laboratory members, including Plaintiff and Defendant Torre, attended on May 19, 2006. Noticeably, as Plaintiff later became aware, Defendant Gross assured to Schmidt that he had spoken to all laboratory members except Plaintiff from May 17 till May 23 regarding the "situation". Yet, to this day, Emory and other defendants have refused to disclose to Plaintiff what was communicated during such conversations.

(5) On May 23, 2006, as Plaintiff later became aware, Defendant Gross disgracefully made further false and malicious assertions to Schmidt in an e-mail regarding Plaintiff's job performance and working relations with co-workers, albeit the fact that Defendant Gross himself repeatedly renewed Plaintiff's employment and signed three satisfactory annual evaluations of Plaintiff's job performance. Defendant Gross stated, "over the last 3 years there have indeed been ongoing problems with Dr. XXX's work. He is neglectful of scientific rigor and takes any

criticism of his work very personally. He is very difficult to mentor. He is obstinate to an extreme. It takes a great deal of coddling and explaining to have him accept criticism of his results” “In sum, it has been a difficult experience with Dr. XXX”. Meanwhile, Defendant Gross stated, Defendant Torre “is an outstanding scientist and has been an excellent mentor to several students. He is extremely dedicated and impeccable in his approach to science and the scientific method”. In the same e-mail, Defendant Gross not only recklessly used anonymous and unverified “hearsay” allegations to attack Plaintiff, but also bet on his own reputation to pardon an offender by stating “I’m sure he (Defendant Torre) regrets it, but I am not sure that if I was myself in his shoes I would not have reacted in the same way”. Although being the lab director and “mentor” of Plaintiff, Defendant Gross never conferred with Plaintiff to seek information regarding the May 17 incident or any alleged issues from May 17, 2006 till this day. Yet beyond comprehension and as an supreme insult to human conscience, Defendant Gross alleged to Schmidt, “I have gone to great lengths to help him (Plaintiff) succeed”, “I must conclude that the culpability lies to the far greater share in Dr. XXX’s behavior. Although more restraint should have been exhibited by Dr. Torre, I feel he was provoked beyond reason, and this is not part of any ongoing difficulty on his part”. Evidently, Defendant Gross’ fictitious allegations were used by Schmidt and Daniel Barrow (Chairman of Emory Neurosurgery Department)(“Defendant Barrow”) without verification, to reach their decision against Plaintiff and intentionally concealed from Plaintiff since their existence. Schmidt and Defendant Barrow did not even present Defendant Gross’ e-mails to Emory Medical School appeal committee to be reviewed (see below).

(6) In addition, as Plaintiff later became aware, on the second day of Schmidt’s investigation, if not earlier, Defendant Gross already unmistakably affirmed to Schmidt his determination to

terminate Plaintiff but pardon Defendant Torre in his May 23 e-mail. Defendant Gross wrote, “[w]hatever conclusion as to culpability one might make, it is clear to me that the situation [the incident] would not exist were it not for Dr. XXX’s obstinate, argumentative, and abusive approach to his co-workers”, “[p]ersonally, I regret the effects that dismissal would have on Dr. XXX’s career, ... In contrast, I would be personally distraught if the current altercation were to negatively impact Dr. Torres career”. Evidently, Gross was divulging his plot and soliciting Schmidt to join the conspiracy against Plaintiff. To this day, Emory has refused to provide any factual base for Gross’ allegations and Plaintiff’s annual evaluations.

(7) On May 30, 2006, as Plaintiff later became aware, in addition to lies and fabrications, Defendant Torre told Defendant Barrow in a meeting that he did “not have as tight a time window” and “he needed 2-3 hours that day”. Additionally, Defendant Torre admitted, “immediately prior to Dr. XXX’s throwing of the animal cage, ... he [Defendant Torre] was ‘yelling’ and ‘some taunting’”. Since Plaintiff’s reservation was only for 9-12 on Wednesday mornings, therefore, Defendant Torre confessed to Defendant Barrow and Schmidt about his complete lack of justification to invoke the confrontation and insult Plaintiff on the morning of May 17. Deliberately or negligently, Defendant Barrow kept this confession from Plaintiff throughout his investigation. Nonetheless, Defendant Torre dared to assert, according to Schmidt’s memo, “he (Defendant Torre) has avoided confrontation to the best of his ability” and Schmidt was willing to believe that Defendant Torre “remained remorseful”.

(8) Subsequently on May 30, during his only meeting with Plaintiff, Defendant Barrow merely sought information from Plaintiff regarding the May 17 incident. Nothing regarding job performance and interpersonal issues as alleged by Defendant Gross and Defendant Torre was

either discussed or verified by Defendant Barrow. Job performance of other lab members was also not addressed. Since he had already received fraudulent allegations from Defendant Gross and Defendant Torre regarding Plaintiff and known Defendant Gross' proposition of terminating Plaintiff's employment before the meeting, Defendant Barrow was deliberately as depriving Plaintiff of a right to defend his righteous reputation as avoiding Plaintiff's challenge and revelation. Evidently, Defendant Barrow entered Defendant Gross' conspiracy against Plaintiff.

(9) On May 30, 2006, as Plaintiff later became aware, during her subsequent meeting with Defendant Barrow, Lissa Jackson ("Jackson"), a technician in Defendant Gross' laboratory, made fraudulent allegations regarding Plaintiff's interpersonal problems with her and two former co-workers voluntarily or by invitation. Noticeably, Jackson purposely failed to report the conflicts between her and Defendant Torre. As a publicly known fact, Jackson openly complained about Defendant Torre having "stolen" her tissue culture medium more than once and quarrelled with Defendant Torre over other issues in front of co-workers on several occasions. Jackson was one of the laboratory member who Defendant Gross spoke to before May 23, 2006 and information communicated between them has never been disclosed to this day.

(10) On May 30, as Plaintiff later became aware, in a further attempt to solicit Schmidt's and Defendant Barrow's membership in his conspiracy plot, Defendant Gross wrote to Schmidt, "if at all humanly possible I would like this issue resolved today. I will be out of town on Thursday and Friday. I would like to leave knowing that Dr. Torre is happily reinstated. Please let me know what I need to do". Gross went on to add, "[i]ronically, I received an email asking for a reference for Dr. XXX. Much as it would seem best for he and my lab just to help him get that job. I will need to be honest if I fill it out. I would like advice on how to give him the option on

saying there is no reference available from me”. Noticeably, Gross put Defendant Torre, a party being investigated at that time, in the cc-list of the said e-mail. To this day, Emory and Defendant Gross have refused to provide any justifications for Defendant Gross’ act.

(11) Late on May 30, as Plaintiff later became aware, within hours of meeting Defendant Torre, Plaintiff and Jackson, Defendant Barrow met Defendant Gross and already announced Plaintiff’s “departure” and Defendant Torre’s retention. Defendant barrow alleged, “Dr. XXX’s chronic problem successfully interacting with others while Dr. Torre has not had such difficulties, and there have been no prior complaints about him”, “Dr. XXX’s track record of personality conflicts coupled with his marginal scientific performance lead him to recommend Dr. XXX’s departure from the job”. Unmistakeably, Defendant Barrow knew that Plaintiff was never given a chance to defend his reputation and work. Defendant Barrow also knew that Defendant Torre’s record was “clean” because he and Schmidt along with Defendant Gross misled lab members including Plaintiff not to say a word or say otherwise. Noticeably, as documented by Schmidt, Defendant Barrow noted that “Dr. XXX did have an appropriate sign in place which Dr. Torre disregarded”. Barrow also noted that “perhaps Dr. Torre could have waited for Dr. XXX to complete his time-sensitive work prior to beginning his own experiments”.

(12) Facing lack of information, Plaintiff e-mailed Defendant Barrow and Schmidt on June 3 and June 5, 2006, respectively, requesting being “informed and updated about the ongoing process” and questioning “if in any way I can assist to expedite the ongoing process”. Defendant Barrow did not respond and Schmidt replied merely with promises.

(13) On June 12, 2006, Schmidt delivered to Plaintiff a letter signed by Defendant Barrow on June 9 terminating Plaintiff’s employment with Emory. Defendant Barrow’s letter accomplished

the goal of the conspiracy plotted and orchestrated by Defendant Gross. In his letter, Defendant Barrow asserted to Plaintiff “[a]s you know, we recently investigated the events of your altercation with Dr. Enrique Torre on May 17th, 2006. The purpose of this letter is to advise you of the outcome of that investigation and our decision regarding your employment status”. Defendant Barrow went on to allege (i) Plaintiff used “physical force” against Defendant Torre without acknowledging that such alleged force was in self-defense against an aggressor’s assault and attack upon Plaintiff; (ii) Plaintiff had “numerous prior personal conflicts with other members of the laboratory” and Plaintiff’s “inability to consistently work in a collaborative and communicative manner is a hindrance to the efficiency and ultimate success of the laboratory and Department’s research enterprise” without providing any factual base; (iii) there have been “other concerns regarding your (Plaintiff’s) performance” without mentioning even one; (iv) Plaintiff had a “reluctance to accept criticism and guidance from your (Plaintiff’s) supervisors” in light of the fact that Defendant Gross was the only director of the laboratory and the only “supervisor” with whom Plaintiff had done business with.

(14) Evidently, Defendant Barrow and others knew that their decisions regarding Plaintiff and Defendant Torre could not be justified by parties’ actions in the May 17 incident. Behind Plaintiff’s back and in concert under a common plot, they fraudulently alleged issues regarding Plaintiff’s job performance and interpersonal relations. As Plaintiff later became aware, Schmidt summarized to others, Defendant Barrow “would like to offer Dr. XXX the option of resigning prior to termination based on his history of personality conflicts and poor scientific performance”.

(15) On June 12, after Plaintiff expressed his determination to appeal Defendant Barrow and Schmidt's decisions to higher authorities, Schmidt firmly asserted "[t]here is no appeal. The decision is final", "[n]o one is going to change the decision". Schmidt was as depriving Plaintiff of a due right as attempting to conceal the conspiracy. Only because Plaintiff was confident in his scientific competence and professionalism and outraged by Defendant Barrow's irresponsible allegations and fraudulent "investigation", Plaintiff persistently contacted Emory's Human Resources personnel and was finally instructed about the procedures of appealing to Dean Office of Emory Medical School.

(16) On June 12, 2006, after knowing Plaintiff would formally initiate an appeal process, Schmidt sent e-mails to others including personnel in Medical School Dean Office and Emory Human Resources Department, with questionable intentions, asserting "I do not believe he (Plaintiff) could return to be a constructive member of the staff" and fraudulently alleging "[a]fter Dr. XXX's behavior today, and the attempted intimidation of our administrative staff, the reasoning behind the action was reaffirmed for me", "[h]e (Plaintiff) was reluctant to leave my area today to the point that I had to have the police escort him out", "you may need to again alert the authorities if he becomes indignant". In fact, Schmidt failed to point out the fact that Plaintiff was, first in Neurosurgery Department's common kitchen then in a public waiting room, anticipating Defendants Gross' and Barrow's secretaries to pass on both individuals' response and preparing a written request of conference to Defendant Barrow when Schmidt called Emory police. Schmidt also failed to mention that his "attempted intimidation" allegation was only referring to the fact that Plaintiff, who was forced out to the street by Schmidt and did not carry a cell-phone, used a payphone to contact Defendants Gross' and Barrow's secretaries.

(17) Despite of Schmidt and Barrow's intentional concealment, Plaintiff later obtained a copy of Barrow's letter to Torre dated "June 9, 2006". Therein, Torre was "severely punished" or "penalized with loss of one week of pay". Noticeably, Barrow explicitly reprimanded Torre for complete lack of justifications to obstruct Plaintiff's planned research and to insult and provoke Plaintiff on May 17, 2006. Yet, intentionally, Barrow did not mention a word about Torre's physical assaults on Plaintiff on May 17, 2006 given the fact that (1) Barrow terminated Plaintiff's postdoctoral employment partly on alleged "physical force" toward Torre during the May 17 incident; (2) Plaintiff demonstrated Torre's physical assaults on Plaintiff including the forceful swing of right hand during Plaintiff's meetings with Schmidt and Barrow and Ms. Evans negated Torre's false contention of "pushing Plaintiff".

(18) On June 12, 2006, after receiving the termination letter, Plaintiff made several attempts to confer with Defendant Gross and in late afternoon received a reluctant reply phone call. During the conversation, Plaintiff emphasized the fact that no one had discussed with him about the alleged personal conflicts and job performance issues and, more importantly, Department's investigators should not have based their decisions on the false allegations made by, as then assumed by Plaintiff, Defendant Torre. In response, Defendant Gross asserted that he was not involved in the Department's investigation and he only accepted whatever decisions that were made by the Department. When Plaintiff expressed his intent to appeal such decisions to Emory Medical School, Gross suggested Plaintiff to challenge Defendant Barrow and Schmidt's bias of conducting their investigation. Plaintiff also pointed out the profound adverse impact of the Department's decision on his reputation and career. In reply, Defendant Gross assured Plaintiff that he would accept Plaintiff back to his laboratory if Plaintiff's appeal was successful. Defendant Gross also assured that Plaintiff's paper manuscript would be published with Plaintiff

as the first author. From the conversation, Plaintiff believed that Defendant Gross had no biased views against Plaintiff and was merely reluctant to be personally involved in any aspects of the development ensuing the incident on May 17. Plaintiff maintained such assessment until February 2007. Evidently, Defendant Gross was attempting to conceal his role in the conspiracy against Plaintiff. Noticeably, there is evidence showing that, before he spoke to Plaintiff, Defendant Gross already knew Plaintiff's appeal to Dean of Emory Medical School was inevitable.

9. On June 16, 2006, Plaintiff filed an written appeal to Thomas Lawley, Dean of Emory Medical School ("Defendant Lawley"), requesting a thorough review of Neurosurgery Department's investigation and its decisions. Plaintiff enumerated unfairness and injustice during Schmidt and Defendant Barrow's investigation and on June 12, 2006. Plaintiff also provided a detailed recount of the May 17 incident between Plaintiff and Defendant Torre, which was the only written full account on record by any party of what happened on the morning of May 17, 2006.

10. After June 16, 2006, Plaintiff constantly contacted Defendant's Office regarding his response to Plaintiff's appeal letter. In mid-July, Defendant Lawley set up a three-member review committee to supply him with an advisory report. Only then, Plaintiff obtained documents provided by Schmidt and Defendant Barrow to Defendant Lawley's Office and the appeal committee and knew for the first time the information contained therein (some has been cited in the foregoing).

11. On July 20, 2006, Plaintiff had his only meeting with the appeal committee for an hour and a half. Since only a few questions were raised by the three members during the entire period, Plaintiff highlighted the May 17 incident and the ensuing investigation and urged a fair and

thorough review with his detailed written comments on the documents the committee was reviewing. Each member was provided with a copy of Plaintiff's comments. Defendant Lawley was also delivered a separate copy through the committee. In his comments, Plaintiff expressed his deep disappointment that neither Schmidt nor Defendant Barrow had documented their factual understanding, albeit untrue or partial, of what had happened on May 17 and wondered how it would be possible to reach their decisions without such views. In addition to stressing his disagreement with alleged facts, Plaintiff unmistakably challenged the integrity, truthfulness and impartiality of Schmidt and raised a doubt as whether Schmidt had forged a document. Equally unmistakably, Plaintiff raised questions over Defendant Barrow's moral standard, judgement and competence as he had exhibited an appalling level of being irresponsible to base his decision regarding a researcher's reputation and career merely on the documents to be reviewed. In his comments, Plaintiff also unmistakably pointed out that Defendant Torre was as a liar as a bully. Plaintiff urged that individuals' misconducts were to be examined and held accountable accordingly. Plaintiff was addressing as to the appeal committee as to Defendant Lawley who, as Dean of Emory Medical School, had the authority to examine the integrity of Medical School administrators and employees.

12. On August 3, 2006, Defendant Lawley sent a letter to Plaintiff upholding Defendant Barrow and Schmidt's decision. Defendant Lawley wrote, "I would first like to say that the individuals I appointed to the committee are senior faculty and administrators, all respected for their wisdom, knowledge and experience. I believe that their report, which is advisory and confidential to me, indicates that they performed a thorough and comprehensive review of your termination. The committee carefully considered not only the background materials I provided with the committee's charge, but also the written materials and oral information you provided to the

committee directly. I have evaluated the committee's findings and recommendations". As the integrity of Defendant Lawley and his committee members exhibited through the review was concerned, nothing could be further from the truth! Noticeably, Defendant Lawley failed to proclaim the uncompromised moral integrity and uncorrupted human conscience of either his "appointed individuals" or his own, which were indispensable from a moral and just process by common sense. There is evidence that Defendant Lawley's review of Defendant Barrow and Schmidt's investigation and decisions was nothing other than intentional furtherance of an existing conspiracy plot against Plaintiff. The facts included, without limitation, the following,

(1) Although Plaintiff, in his appeal letter and Comments on documents to be reviewed, repeatedly alerted Defendant Lawley about Defendant Torre's questionable integrity and unacceptable misconducts, Defendant Lawley excluded Defendant Torre's actions and Defendant Barrow's whatever decisions regarding him from the review process without justifications. Unmistakably, Defendant Lawley was, in the least, preventing it seeing the light that there were cover-ups favoring Defendant Torre during Defendant Barrow and Schmidt's investigation and Defendant Torre's "punishment" did not fit his crime. Noticeably, to this day, Emory has refused to disclose whatever disciplinary actions Defendant Torre received. Yet, Defendant Lawley still entitled himself to claim that Defendant Barrow's investigation was fair.

(2) In February 2007, through discovery, Plaintiff became aware that Defendant Lawley's review committee reported their findings on August 2, 2006. For the first time, Plaintiff undoubtedly realized that it was no wonder for Defendant Lawley to emphasize such report as "confidential". In spite of obviously spending time only on coining crafty statements of findings and recommendations other than on verifying facts, the review committee unmistakably documented

several inevitable conclusions undermining Defendant Barrow and Schmidt's investigation and integrity, all of which was deliberately kept from Plaintiff by Defendant. Only through deceit, Defendant Lawley was then able to reaffirm the base for Defendant Barrow and Schmidt's decision regarding Plaintiff and justify his upholding. Therefore, Defendant Lawley knowingly joined and expended a conspiracy against Plaintiff. In addition to defaming Plaintiff and terminating Plaintiff's employment, Defendant Lawley was covering up Barrow and others' misconducts.

(3) In their report, the review committee craftily stated, albeit irresponsibly, "in our opinion the inquiry into this altercation was reasonable, fair and consistent with Emory University policy". However, in his August 3 letter, Defendant Lawley asserted to Plaintiff that "the committee concluded that the Department of Neurosurgery's inquiry into your termination was reasonable, fair and consistent with University's policies". As "altercation" was only alleged as partly the base for termination, Defendant Lawley's misrepresentation was committed not by mistake but to purposely mislead Plaintiff to cease challenging Schmidt and Defendant Barrow's false allegations and his upholding.

(4) In their August 2 report, the review committee noted without verifications of their own, "Barrow's termination letter to Dr. XXX notes 'numerous prior personal conflicts with other members of the laboratory before the current dispute'. We can not find documentation of this in the records that we have for review". Since job performance and interpersonal relations were where Defendant Gross, Schmidt and Defendant Barrow alleged the base to terminate Plaintiff but spare Defendant Torre, only through concealment, Defendant Lawley then dared to claim to Plaintiff on August 3, 2006, "the Department of Neurosurgery's inquiry into your termination

was reasonable, fair and consistent with University's policies". Defendant Lawley completely ignored that he as Dean of Emory Medical School, not the appeal committee, ultimately had a duty to protect Plaintiff's righteous reputation and safeguard the integrity of Medical School administrators and employees as the truth and justice demanded. Unmistakably, Defendant Lawley was as conspiringly covering up as unconscionably defaming Plaintiff one more time.

(5) In their report, the review committee also craftily noted, "[t]he parties involved often have very different opinions as to what was communicated during the interviews to investigate these events". The committee went on to suggest, "[i]t would be very helpful in the future to have an uninvolved third party present during interviews, which would allow for verification of the facts verbally communicated". As "senior faculty and administrators, all respected for their wisdom, knowledge and experience", the committee members should have no problem to realize their brutal and inescapable responsibility of verifying facts. They should also have realized that the issue in question was who told the truth about what really happened on May 17 and during Department's investigation, but not verification of what was communicated during meetings. In fact, Plaintiff did openly question whether Schmidt was an unbiased and truthful note-taker. However, most of Plaintiff's doubts were cast on Schmidt's memo of his meeting with Plaintiff on May 22, 2006. As noted in Schmidt's memo, a third party other than Plaintiff and Schmidt was indeed present during the entire meeting. There's no record showing that verification from that person was sought by the review committee. There's also no record showing that either the review committee or Defendant Lawley took any action to clarify controversies and seek the truth. Yet, Defendant Lawley dared to claim to Plaintiff, the appeal committee "performed a thorough and comprehensive review of your termination" on August 3, 2006.

(6) In his Comments on documents to be reviewed, Plaintiff unmistakably alerted the review committee and Defendant Lawley that Schmidt had forged one document fraudulently alleging that he interviewed Ms. E who observed the injuries on Plaintiff's face and neck on May 17. Although Plaintiff had presented her to Schmidt and Defendant Barrow as the sole witness to testify that Defendant Torre's assault on Plaintiff was not a push as he claimed, Ms. E was never interviewed by either individual. Out of her own conscience, Ms. E dropped by Schmidt's office on June 5, 2006 and provided her insight that the injuries inflicted on Plaintiff could not be resulted by "push" as Defendant Torre claimed. However, Ms. E did not know at the time that Schmidt and Barrow had already made their final decisions days before her visit. Disgracefully, Schmidt claimed he "interviewed" Ms. E but dated his half-page memo of such conversation as "July 7", four weeks after Barrow and Schmidt ended their investigation and two weeks after Plaintiff filed his appeal. Ignoring Plaintiff's accusation without verification, the review committee claimed Department's investigation included the interview of Ms. E and, therefore, "an attempt was made to identify the facts by interviews or written documents from the critical parties involved". Defendant Lawley also disregarded Plaintiff's challenge. Unmistakably, Defendant Lawley was as conspiringly covering up for Schmidt as evading his responsibility. Noticeably, to this day, Emory has refused to justify the inaction of Defendant Lawley and the review committee members.

(7) In another crafty attempt to justify Defendant Barrow's termination of Plaintiff's employment, the review committee and Defendant Lawley relied back on Plaintiff's actions on May 17, 2006. On August 3, 2006, Defendant Lawley wrote to Plaintiff, "[b]ased on your conduct at the time of the altercation and statements made by you, the committee determined that your violence toward Dr. Torre was not motivated primarily by concerns of self-defense".

However, Defendant failed to mention that Defendant Barrow and Schmidt had never made such determination when making their decisions. Defendant Lawley failed to mention that the committee and himself had made no determination as what had occurred on May 17. In fact, to this day, there's no record from a party other than Plaintiff that has reconstructed, albeit being true or false, the events on the morning of May 17, 2006. Defendant Lawley also failed to cite any of Plaintiff's statements suggesting that Plaintiff was not acting in self-defense on the morning of May 17, 2006. In fact, to this day, Emory and Defendant Lawley have refused to provide evidence in this regard. Ironically, by a court order, Defendant Lawley conceded that none of his committee members took notes during their only meeting with Plaintiff.

(8) Defendant Lawley and the review committee also made another unconscionable attempt to save their leaky conspiracy. On August 3, 2006, Defendant Lawley wrote to Plaintiff, "[t]he committee also noted that in the course of the altercation, your actions resulted in a cage containing mice to fall to the floor, allowing the mice to escape". However, Defendant Lawley failed to mention that an independent investigation into this affair, as pronounced by Defendant Barrow, was never conducted, which would reveal the extreme circumstances of Plaintiff's action and Defendant Torre's causal evil insults and provocations.

(9) Although Plaintiff repeatedly alerted Defendant Lawley about Defendant Torre's questionable integrity, unacceptable misconducts including obstructing co-workers' job performance, insulting co-workers' dignity, violently causing Plaintiff bodily injuries and making false statements to Neurosurgery Department's investigators, Defendant Lawley took no actions to investigate, let alone to correct such serious problems. Defendant Lawley even concealed from Plaintiff Schmidt and Defendant Barrow's whatever decisions against Defendant

Torre and the fact that Defendant Torre was allowed to continue working in Defendant Gross' laboratory. Defendant Lawley completely ignored that he as Dean of Emory Medical School had a duty to protect the life, health, safety, and welfare of Medical School employees.

13. Unmistakably, Defendant Lawley was not conducting an honest and just review with solemn responsibilities as Dean of Emory Medical School. Instead, Defendant Lawley was, as a co-conspirator with preset goals against Plaintiff, acting in complete neglect of his duties owed to Plaintiff and determinations truth and justice would authorize. As Emory's agent, Defendant breached the employment contract between Plaintiff and Emory.

14. As Emory's authorized agents, Defendants were fully aware of his duties, as defined by Emory's pertinent policies and applicable laws including those governing confidential relationships, to Plaintiff during his dealing with Plaintiff and Plaintiff's employment. The duties owed to Plaintiff by Defendant included without limitation: (a) the duty to permit Plaintiff to duly complete and utilize results of his research project for career and related purposes; (b) the duty not to falsely disparage Plaintiff's performance as a researcher or otherwise take any improper action intended to, or that would have the effect of, impairing his career or future employability; (c) the duty to follow and abide by contractually binding Emory's published policies and procedures concerning employment and discipline; (d) the duty of due diligence and care when conducting business and dealing with Plaintiff; (e) the duty of utmost good faith and fair dealing. All of the foregoing duties and others were breached by Defendant.

15. As direct results of the conspiracy of Defendants' creation, Plaintiff sustained severe damages to his career and personal well-being, including, without limitation, (1) Plaintiff's employment contract with Emory was breached and Plaintiff was deprived of due right to

publication of his work and fair reference for future employment; (2) Plaintiff's reputation as a scientist and a person was injured; (3) Plaintiff's scientific career founded on long-time diligent efforts was ruined; (4) Plaintiff's dignity and emotion was brutally crushed.