

Tab A

reputation and violate his academic freedom in the classroom as a respected criminal law professor.

THE PARTIES

2. Plaintiff Lawrence J. Connell is a member of the Delaware Bar, a citizen and resident of Delaware and a 26 year tenured faculty member at the Delaware campus of the Widener University School of Law (the "Law School").

3. Defendant Linda L. Ammons is a citizen and resident of Delaware and at all times relevant hereto was the Dean of the Law School.

FACTS

4. Plaintiff was admitted to the Delaware Bar in 1979. He is currently and always has been an attorney member in good standing of the Bar of the Supreme Court of the State of Delaware.

5. Upon graduation from law school, plaintiff clerked for the Supreme Court of Delaware in Georgetown from 1978 to 1979. He practiced law in Sussex County with the Law Office of James C. Sabo until 1984, when he joined the faculty of the Law School as an instructor.

6. In 1986 plaintiff was appointed to a tenure track position as an assistant professor at the Law School and secured tenured status in or about 1992. With tenured status his employment was permanent absent just cause to terminate him.

7. Plaintiff's career consisted of supervising students enrolled in various Law School clinical programs, including the Delaware Postconviction Relief Clinic, the Delaware Civil Clinic, and the Clinical Externship Program. Plaintiff also has taught courses in criminal law, criminal procedure, evidence, interviewing, counseling and negotiation.

8. While supervising the Postconviction Relief Clinic, plaintiff volunteered to represent James Riley, an African-American male sentenced to death after being convicted of murder by an all-white jury from which the prosecutor wrongfully had excluded all African-Americans. After more than a decade of plaintiff's volunteer legal efforts on his behalf, Mr. Riley eventually was awarded a new trial on the ground of racial discrimination in his jury selection.

9. Defendant Ammons knew of plaintiff's efforts to achieve racial justice for his client James Riley.

10. The Law School has a reputation as a liberal law school. There are only two known conservative faculty members out of over 60 faculty members, one being plaintiff.

11. Defendant Ammons is of the liberal political and legal persuasion.

12. Plaintiff is of the conservative political and legal persuasion.

13. Plaintiff is Caucasian and a male.

14. Ammons is an African-American female.

15. Ammons is proud and thin skinned.

16. Plaintiff's conservative political and legal persuasion was well known within the Law School community and by Ammons.

17. Ammons was offended by plaintiff's conservative political and legal viewpoints in a law school which she wanted to be totally of the liberal persuasion.

18. After she became Dean of the Law School in 2006, Ammons set out to find and create pretextual reasons to destroy plaintiff's professional reputation and to violate his academic freedom in the classroom.

19. As part of a nationwide teaching methodology often used for criminal procedure and

substantive criminal law, plaintiff in the classroom has used the Dean of the Law School as an example while teaching criminal law principles to grab the attention of his students and to help them remember the legal principles involved. He has done this when the Dean was Caucasian and when the Dean was African-American.

20. Professors from other law schools have testified as expert witnesses for plaintiff that this teaching methodology is within the pedagogical mainstream of U.S. law schools.

21. For example, in trying to teach students the law of attempts and murder, plaintiff would use an example where, in retaliation for Ammons' threat to fire him for stealing her parking space at the school, plaintiff would rush to her office to shoot her and discover, to his surprise, that he had shot instead of the actual Dean a manakin with a pumpkin head.

22. In 2010 Ammons learned plaintiff had used various examples involving her in teaching his classes.

23. Ammons was infuriated and angered that she had been used in such teaching examples. She felt her dignity was impugned and that she had been called "a pumpkin head."

24. She set out to retaliate against plaintiff for using her in his classroom teaching examples and also for his conservative political and legal views.

25. Ammons set out to destroy plaintiff's professional reputation and to deny his academic freedom in the classroom by creating pretextual factual assertions about his character and job performance.

26. One such false assertion which she decided to use was a false claim that since plaintiff had used violent examples in teaching criminal law, such as criminals shooting other persons, he himself must be a violent person.

27. She falsely claimed that plaintiff wanted to shoot her with a weapon.

A. First Defamatory Acts

28. In December 2010 Ammons knowingly and recklessly had plaintiff falsely charged in writing with being a racist, a sexist and a threat to the physical safety of persons on the Law School campus.

29. Ammons published these written false statements without privilege within the Law School community.

30. On December 10, 2010 plaintiff was confronted with these written false statements which left him speechless and stunned. Unnecessarily, the head of campus security, in plain clothes, was in the room during this confrontation.

31. Unnecessarily, the head of campus security was told at that time of each of these written false statements.

32. Unnecessarily staff in the office of the registrar also were told of these written false statements.

B. Second Defamatory Acts

33. Ten days later on December 20, 2011, Ammons purposefully humiliated plaintiff and had him physically banned from campus as a threat to the physical safety of herself and others in the campus community. She also denied him access to his office.

34. She informed staff that he was not permitted on campus because he was a threat to the physical safety of persons in the campus community.

35. The news that plaintiff had been thrown off campus spread like wildfire, destroying his profession reputation because this action was symbolic speech which communicated a clear

message that plaintiff, a 26 year employee of the Law School, had committed some grave misdeed and he was a threat to the physical safety of persons in the Law School community.

C. Third Defamatory Act

36. Ammons also told James Harris the president of Widener University that plaintiff was a threat to her physical safety and the physical safety of other persons in the Law School community.

37. As a means of self defense, in an effort to protect his reputation from permanent damage, plaintiff had to secure legal assistance and he was compelled to publicly reply to the tenured law school faculty and in media forums concerning the false charges which Ammons had caused to be placed against him and to explain his absence from the Law School community.

38. As a person who successfully had spent ten years voluntarily fighting for the life of a condemned African-American on death row, he denied he ever could be a racist and that the claims by Ammons that he was a threat to anyone and a sexist also were false.

D. Fourth Defamatory Acts

39. On February 24, 2011 Ammons knowingly initiated false and reckless formal written charges against plaintiff with tenured faculty of the law school to dismiss him for cause. The untrue charges are attached as Ex. A.

40. These knowingly false and reckless written statements include but are not limited to the following.

41. Ammons stated as a fact, which she believed to be true, that plaintiff uses a well known offensive racially derogatory term to refer to African-Americans to demean them by calling them "black folks."

42. The falsity of claiming that this is a well known offensive racially derogatory term for African-Americans is established by the following widely known general facts found on a respected academic freedom website -<http://thefire.org/article/12996.html>.

43. President Barack Obama himself uses the term "folks" to describe all sorts of people, including African-Americans. (Entering "President Obama folks" into Google amply demonstrates this.)

44. The first African-American to earn a doctorate at Harvard, W. E. B. Du Bois, used the term in his classic work *The Souls of Black Folk* as well as *The Gift of Black Folk and Black Folk, Then and Now*.

45. In the past 45 days, the term "black folks" has been used by columnist Arlene Jones in the Austin Weekly News, columnist Charing Ball in The Atlanta Post, scholar Boyce Watkins at the website thyblackman.com, and many others.

46. The widespread use of the term is strong evidence that it is not, as far as most people are concerned, a negatively loaded term. In fact, it usually signifies some sense of familiarity or friendliness.

47. As stated by the Foundation For Individual Rights in Education, this is "a ubiquitous term that has no necessary relationship to discriminatory or harassing behavior."

48. The fact Ammons saw fit to include the term three times in her false statements declaring as a fact that plaintiff is a racial harasser is proof of defendant's defamatory purpose, ill will, malice and reckless behavior.

49. Plaintiff also was falsely accused of referring to women as "bitch" and "honey."

50. The untruth of all of Ammons' statements was later pointed out to defendant in two

sworn affidavits which plaintiff submitted to Ammons.

51. But she did not print or circulate any retraction for any of her false statements regarding plaintiff.

52. Each of the statements in these written charges was widely published and disseminated both within and without the Law School community in bad faith, out of ill will, intentionally, recklessly, willfully, wantonly and without privilege.

53. Each of the factual assertions made by Ammons in this four page document is knowingly false, reckless and pretextual for Ammons' true motive, which was to destroy plaintiff's professional reputation and deny his academic freedom in the classroom.

54. At this time Ammons dropped and abandoned her previous false statement that plaintiff was a threat to the physical safety of students, faculty or administrators.

55. But she still denied plaintiff access to campus and thus reiterated her prior symbolic speech about his dangerousness.

56. She published no retraction in this regard and her actions and plaintiff's continued absence from his office and from campus still communicated the same message that plaintiff was a threat to the general public.

57. In this writing, now Ammons falsely claimed plaintiff was a racist and a sexist and refused to cooperate with her in her vendetta against him.

58. Under his contract plaintiff was entitled to various substantive procedural protections before he could be terminated for cause. These included the right to the assistance of legal counsel, the right of his attorney to cross examine his accusers, testimony against him had to be made under oath, his judges would be the full tenured faculty, and a majority vote would be

required to fire him.

59. After Ammons filed these false charges against plaintiff, under the procedural protections of his contract, the full tenured faculty appointed an Informal Review Committee to review Ammon's charges.

60. Plaintiff submitted to that Committee a 39 page affidavit which is attached as Ex. B.

61. On March 7, 2011 that Committee refused to join in Ammon's vendetta and dismissed the charges against plaintiff without prejudice as set forth in Exhibit C attached.

62. On March 14th Ammons wrote to the Committee and declared that she would not let the matter rest, as set forth in Exhibit D attached.

E. Fifth Defamatory Act

63. That same day Ammons issued a press release to the media which is attached as Exhibit E. Therein, considering extrinsic facts, the innuendo and context of her statements, she falsely claimed that plaintiff had been justifiably accused of professional misconduct by students and those charges had merit to them and were not frivolous.

64. However, any such complaints were time barred under the written procedures of the Law School, a fact defendant deliberately concealed.

65. Three days after the decision of the Informal Review Committee, on March 10th Ammons caused to be published and filed new false charges, that plaintiff was a racist and a sexist, with an entirely different University administrative body which she controlled which was separate from the independent tenured faculty.

66. The judges in this administrative body consisted only of administrators and a faculty member of Ammons choosing.

67. Plaintiff no longer had a right to legal counsel before this body. He lost his right to cross examine his accusers under oath and other procedural protections he previously had by contract as a tenured faculty member.

68. The new charges filed against plaintiff again falsely claimed that he was a racist and a sexist.

69. Ammons directed that these false charges be filed despite the fact that governing Law School regulations stated that they were time barred by a 180 day statute of limitations., a fact she continued to conceal.

70. In this second proceeding plaintiff submitted the following written evidence on March 25, 2011:

71. His first and second affidavits. Ex F and B attached.

72. The expert witness affidavits of two distinguished law professors from the University of Pennsylvania School of Law and the George Washington University School of Law. Exs G (Kerr) and H (Salmanson) attached.

73. The affidavits of four students including an African American, an Egyptian, and a female. Elbardissi (Ex. I); Scott (Ex. J); Ramsay (Ex. K) Shehata (Ex. L), attached

74. Twenty-nine (29) emails from students. Exhibit M attached.

75. On April 5, 2011 he submitted another affidavit of a female student. Exhibit O (Hall) attached.

F. Sixth Defamatory Act

76. Nevertheless, despite personal knowledge from all these sworn affidavits as to the true facts, except Ex. O, on Sunday March 27, 2011 Ammons caused to be published in the

News Journal, the newspaper of general circulation in the State of Delaware, a five paragraph false, reckless and defamatory letter to the editor, which considering extrinsic facts, the context and innuendo surrounding the letter, falsely and recklessly accused plaintiff of being the subject of numerous truthful complaints of misconduct by his students, of having a faculty committee rule against him in faculty proceedings, and falsely stating that plaintiff's academic freedom was not being violated by Ammons. Ex. N attached.

77. Despite plaintiff's efforts to mitigate his damages, Ammons has succeeded in her plan to destroy plaintiff's professional and legal reputation. Any statement that a law professor and attorney is a racist and a sexist forever destroys his professional reputation and character.

78. Plaintiff's separate and distinct immediate and long term injuries and conditions, which were the direct and proximate result of defamatory statements, include, but are not limited to, damage to his professional reputation and standing in the local and nationwide academic community, the student body, and the general public at large, emotional distress, embarrassment, humiliation, and mental suffering endured by plaintiff and any physical or bodily harm caused by that suffering, as well as special injury, such as monetary losses in the future, including lost wages, pension, and other benefits, such as over one million dollars in medical insurance benefits for plaintiff's permanently disabled and institutionalized daughter.

Count I - Common Law Defamation (Ammons)

79. Plaintiff repeats and realleges paragraphs 1-78 set forth above.

80. Plaintiff is a private figure.

81. Plaintiff has been libeled in written statements.

82. Plaintiff has been slandered in oral statements.

83. These statements have defamed plaintiff in his trade, business or profession.
84. The libels of plaintiff are clear from the written statements themselves or are clear only after referring to extrinsic facts not contained in the writing.
85. The defendant defamed plaintiff and the defamation has been published.
86. The defendant was negligent in failing to determine the truth of the defamatory matter.
87. The defendant intentionally or recklessly failed to determine the truth of the defamatory matter.
88. The defendant knew that the defamatory matter published was false and untrue.
89. The defendant acted with utter disregard for whether the defamatory matter published was false and untrue.
90. The defendant acted with actual malice, and ill will and knowledge that her statements were false or were made in reckless disregard of whether or not they were false.
91. The chief motive of the defendant was actual malice and ill will.
92. The statements made by the defendant in the faculty employment context constitute publication within the law of defamation. They were not privileged in any employment context since they were made with actual malice and out of ill will, there was no duty to furnish the information to the recipient, and they circulated to persons other than plaintiff and injured his professional reputation.
93. They also were made with knowledge of their falsity and recklessly disregarded whether they were true or false.
94. The statements were made primarily to further interests other than those protected by

any qualified privilege and the chief motive for making such statements was the ill will and malice of the defendant.

95. The statements found in a press releases or in a letter to the editor, for example, also were outside of the performance of defendant's official duties or functions which could give rise to any privilege in an employment context. There was no duty whatsoever for defendant to issue a press release about plaintiff or to write a letter to the editor about plaintiff.

96. Defendant's abuse of any privilege found in the employment context under the law of defamation is further evidenced by the fact that she is operating a higher educational institution. The website for her employer Widener University in its "Mission & Goals" statement claims that she is committed to academic freedom "in matters pertaining to pedagogy," in matters of classroom instruction which she instead has attacked.

97. As established by two expert witness affidavits of which the defendant was fully aware, plaintiff's classroom teaching methodology is well within the mainstream of that found in prominent American law schools. But this did not prevent defendant from falsely asserting as fact that plaintiff uses racist and sexist classroom pedagogy.

98. Moreover, in her bulletins and handbooks the defendant claims that she is committed to "free expression" in the classroom. But she is not committed to the free expression of plaintiff in his classroom.

99. Plaintiff had to take and use reasonable efforts to minimize the effect of the defamation by defendant on the student body, among the faculty and staff at his place of employment and in the general academic community nationwide of which he was a member in good professional standing.

100. The symbolic speech of the defendant in throwing plaintiff off campus, in writing and orally declaring him to be a physical threat to her own and to student life and limb, and in causing rumors and other comment to circulate in the Law School community, which destroyed his professional reputation, all compelled plaintiff to defend his reputation publicly before the tenured faculty and in the media in an effort to salvage and rehabilitate his professional reputation in mitigation of the damages he was suffering.

101. The defendant could reasonably foresee that the nature of the false charges she lodged against plaintiff would strongly compel him to repeat them in an effort to defend himself and to mitigate his damages in the face of the vendetta being waged against him by the defendant.

102. The actions of defendant were willful or wanton and merit an award of punitive damages.

103. Plaintiff's right to be free from defamation has been denied under the common law of the State of Delaware.

Count II - Common Law Defamation (Perez, Tandoh)

104. Plaintiff repeats and realleges paragraphs 1-103 set out above.

105. Jennifer R. Perez is a resident of Delaware and New Jersey. Presently she is a third year law student at the Wilmington Campus of the Law School. She is an Hispanic female.

106. Nadege Tandoh is a resident of Delaware and New Jersey. Presently she is a third year law student at the Wilmington Campus of the Law School. She is an African-American female..

107. While enrolled in the Spring 2010 criminal law class taught by plaintiff, they jointly agreed to subject plaintiff to a barrage of false aspersions and accusations with the end of

destroying his good name, curtailing his work, and eventually eliminating him from the faculty.

They decided to use joint efforts to place plaintiff outside the circle of tolerance and respectability within the academic legal profession and to place him under a cloud of social exclusion within the academic legal profession.

108. On May 21, 2010 Perez and Tandoh delivered a draft of a three page letter to Susan Goldberg, the Dean of Students of the Law School. They communicated the contents of that letter orally with elucidations and in writing to Goldberg who then delivered the contents of that draft letter orally with elucidations and in writing to defendant Ammons.

109. Ammons then removed plaintiff from his position heading the Clinical Externship program of the Law School and designated a replacement for him in that position. She directed plaintiff to train that person to take over plaintiff's prior position by December of 2010

110. Ammons had her employees and agents lie to plaintiff about the reasons why he was being removed from his position.

111. Ammons never confronted plaintiff with the false accusations raised against him by Perez and Tandoh or gave plaintiff any opportunity to defend himself before this adverse employment action was taken against plaintiff.

112. Perez and Tandoh, both orally and in writing, without privilege, in bad faith and out of ill will, intentionally, recklessly, willfully and wantonly made the following false and pretextual statements about plaintiff and widely published these defamatory falsehoods.

- A. Plaintiff was an "[un]enlightened attorney."
- B. He was "intolerant."
- C. He "demonstrate[d] minimal respect for racial minorities and women."

- D. He demonstrate[d “racial stereotypes.”
- E. He demonstrated “chauvinism.”
- F. He was “uncomfortable around minority students.”
- G. He was “unsympathetic to the plight of victims of racially motivated crimes.”
- H. He was not a Christian, as were Perez and Tandoh.
- I. He does not value law students.
- J. He “teach[es] in a way that instills acceptance of racial stereotyping and chauvinism.”
- K. He has “a reputation for disrespecting racial minorities and women.”
- L. During the week of February 7, 2010 plaintiff “said that he finds a person who is shooting at black folks to be less dangerous than a person who is just shooting randomly.”
- M. During the week of March 7, 2010 plaintiff identified the race of the victims and perpetrator of a case the class was studying.
- N. After that class plaintiff stated “At that time blacks were terrorizing people. You mean to tell me, if you see two black men walking, you are not gong to cross the street?”
- O. “During the second half of the semester after almost every single class, Professor Connell would name Dean Ammons as the victim in a hypo where he is the perpetrator who shots [sic] her.”
- P. Plaintiff uses the racist term “Black folk” in class.
113. On November 18, 2010 Tandoh and Perez delivered a final written version of their

false statements about Plaintiff to defendant Ammons. This letter bears the same date as the May 21, 2010 letter addressed to Dean of students Susan Goldberg, described above, but it is date stamped November 18, 2010. The addressee has been changed from Goldberg to defendant Ammons herself.

114. This letter addressed to defendant Ammons contains the same false and defamatory material and statements as the one addressed to Goldberg. The letter may add from prior versions the allegation that the use of the words “black folk” is a racist statement.

115. On November 19, 2010 defendant Ammons directed her employee Patrick Kelly to reinterview defendants Tandoh and Perez. At that time, orally, without privilege, in bad faith and out of ill will, they intentionally, recklessly, willfully and wantonly made the following false and pretextual statements about plaintiff and widely published these defamatory falsehoods

- A. Plaintiff repeatedly used “offensive, derogatory language and hypos that stigmatized a particular racial group as well as women in general.”
- B. Plaintiff used “intimidating tactics to discourage other points of view particularly from women.”
- C. “He regularly used African-American names for perpetrators in his questions or hypos.”
- D. He called a black female victim in a statutory rape case a “dirty little whore.”
- E. He once became “very aggressive” with a female student and “then constructed a hypo where she was the victim, moved close to her and pointed his fingers in the shape of a gun and said, ‘Die bitch.’”
- F. He once stated that in the 1980s “blacks were terrorizing everyone in New York”

and added “you mean you would not cross the street to avoid them?”

- G. At least ten times he “used hypos in which the Dean was shot and he was the shooter.”
- H. Once he posed a hypo where the “Dean was dealing drugs out of her office.”
- I. Another time he said “I decided to shoot Dean Ammons and then ‘blew her fucking head off.’”
- J. African-American students and others avoid his classes because of negative experiences with him or recommendations of others based on their experience.
- K. Several students “do not apply for externships that he supervises because of his attitude.”

116. On March 10, 2011 in writing Tandoh and Perez, in writing, without privilege, in bad faith and out of ill will, intentionally, recklessly, willfully and wantonly made the following false and pretextual statements about plaintiff and widely published these defamatory falsehoods

- A. Plaintiff was an unenlightened attorney.
- B. Plaintiff tolerated racial stereotypes and chauvinism.
- C. He is “uncomfortable around minority students.”
- D. He is “unsympathetic to the plight of victims of racially motivated crimes.”
- E. He makes “inappropriate comments” about women.
- F. He created a “hostile educational environment.”
- G. He constantly intimidated Perez.
- H. He wished to humiliate Perez and Tandoh.
- I. “Other students and even alumni had experienced what they felt was racist and

sexist behavior from Professor Connell.”

- J. He uses the racist phrase “black folk.”
- K. He does not value students.
- L. He teaches “in a way that instills acceptance of racial stereotyping and chauvinism.”
- M. He “said that he finds a person who is shooting at black folks to be less dangerous than a person who is just shooting randomly.”
- N. “He also stated that he did not ‘get the point’ of having laws against hate crimes.”
- O. In teaching about a crime he “said that the 4 men were black and that the defendant was white.”
- P. He said “What you have to understand is that, at that time in New York, black folk were terrorizing the rest of the population.”
- Q. He said, “You mean to tell me that, if you saw a black man walking on the same side of the street as you, you are not going to cross the street?”
- R. “During almost every single class, Professor Connell would name Dean Ammons as the victim in a hypothetical where he is the perpetrator who shoots her.”
- S. “In one hypothetical, he stated that he would scream to her, “I’m going to blow your fucking head off!” and proceeded to hypothetically shoot her various times.”
- T. He once pointed his hands at defendant Perez, in the shape of a gun and screamed “Die Bitch!” at her.
- U. One day during a discussion of statutory rape he said “her parents probably didn’t care. They probably know their daughter is a dirty little whore.”

V. Perez and Tandoh recounted that the above 21 examples are “just a small number of examples of the intimidating and offensive behavior that Professor Connell exhibited.

117. Finally, on April 20, 2011 Tandoh and Perez in writing to the Widener Administration admitted that on November 19, 2010 at a face to face meeting they personally informed defendant Ammons and Vice Dean Kelly that plaintiff used “discriminatory language and behavior” in class.

118. These defendants knew that the defamatory matter they published was false and untrue.

119. For example, at the time in question when defendant Perez was being taught by plaintiff she operated a blog website maintained by the Law School.

120. She posted blog entries on January 29, March 25 and September 8, 2010.

121. A review of those entries reveals that defendant Perez never contemporaneously mentioned her complaints about plaintiff’s class in this public forum.

122. This lack of contemporaneous corroboration of her allegations is evidence that her accusations are not credible.

123. Throughout, defendant Perez has complained that she was shocked and offended by plaintiff’s behavior from the start of the spring semester in January 2010.

124. This included her November 19, 2010 complaint that plaintiff once became “very aggressive” with a female student and “then constructed a hypo where she was the victim, moved close to her and pointed his fingers in the shape of a gun and said, ‘Die Bitch.’” Then on March 10, 2011 she clarified that it was defendant Perez herself to whom plaintiff allegedly screamed

“Die Bitch.”

125. Yet she contradicted herself by writing in her January 29, 2010 blog entry that “Professors will prod at you, not because they have a personal vendetta, but because they are trying to understand the nuances and intricacies of your position.”

126. Nor is there any hint in her March 25th entry of the shock and offense that she claims to have experience in plaintiff’s class. Instead, she observes, “It’s springtime and life is good.”

127. Nor does a glimmer of reflection on her allegedly traumatic semester in plaintiff’s class manifest itself in her next entry of September 8, 2010. To the contrary, she exclaims, “[M]y first year was great!”

128. Defendant Perez’ own public written record of her spring semester 2010 experience in plaintiff’s class is at odds with her subsequent claim of discrimination and harassment against her.

129. Her version of the events is not credible and is false.

130. Plaintiff is a private figure.

131. Plaintiff has been libeled in written statements.

132. Plaintiff has been slandered in oral statements.

133. These statements have defamed plaintiff in his trade, business or profession.

134. The libels of plaintiff are clear from the written statements themselves or are clear only after referring to extrinsic facts not contained in the writing.

135. Defendants Tandoh and Perez defamed plaintiff and the defamation has been published.

136. These defendants were negligent in failing to determine the truth of the defamatory

matter.

137. These defendants intentionally or recklessly failed to determine the truth of the defamatory matter.

138. These defendants acted with utter disregard for whether the defamatory matter published was false and untrue.

139. These defendants acted with actual malice, and ill will and knowledge that their statements were false or were made in reckless disregard of whether or not they were false.

140. The chief motive of these defendants was actual malice and ill will.

141. The statements made by these defendants in the faculty employment context constitute publication within the law of defamation. They were not privileged in any employment context since they were made with actual malice and out of ill will, there was no duty to furnish the information to the recipient, and they circulated to persons other than plaintiff and injured his professional reputation.

142. They also were made with knowledge of their falsity and reckless disregard for the truth.

143. The statements were made primarily to further interests other than those protected by any qualified privilege and the chief motive for making such statements was the ill will and malice of these defendants.

144. As established by two expert witness affidavits, plaintiff's classroom teaching methodology is well within the mainstream of that found in prominent American law schools.

145. Plaintiff had to take and use reasonable efforts to minimize the effect of the defamation by these defendants on the student body, among the faculty and staff at his place of

employment and in the general academic community nationwide of which he was a member in good professional standing.

146. Plaintiff was compelled to defend his reputation publicly before the tenured faculty and in the media in an effort to salvage and rehabilitate his professional reputation in mitigation of the damages he was suffering.

147. These defendants could reasonably foresee that the nature of the false charges they lodged against plaintiff would strongly compel him to repeat them in an effort to defend himself and to mitigate his damages in the face of the vendetta being waged against him by the defendants.

148. Despite plaintiff's efforts to mitigate his damages, Tandoh and Perez have succeeded in their plan to destroy plaintiff's professional and legal reputation. Any statement that a law professor and attorney is a racist and a sexist forever destroys his professional reputation and character.

149. Plaintiff's separate and distinct immediate and long term injuries and conditions, which were the direct and proximate result of defamatory statements, include, but are not limited to, damage to his professional reputation and standing in the local and nationwide academic community, the student body, and the general public at large, emotional distress, embarrassment, humiliation, and mental suffering endured by plaintiff and any physical or bodily harm caused by that suffering, as well as special injury, such as monetary losses in the future, including lost wages, pension, and other benefits.

150. The actions of these defendants were willful or wanton and merit an award of punitive damages.

151. Plaintiff's right to be free from defamation has been denied under the common law of the State of Delaware.

Count III - Respondeat Superior (Widener Defendants)

152. Plaintiff repeats and realleges paragraphs 1-151 set out above.

153. The following institutional defendants (hereinafter collectively denominated in this Complaint as "Widener") are defendants for this count.

- a. Widener University, Inc., a Delaware corporation, file number 0919507,
- b. Widener University, Inc., a Pennsylvania corporation, entity number 733498,
- c. The Delaware Law School of Widener University, Inc., a Pennsylvania corporation, entity number 1041369,
- d. The Widener University School of Law, a Pennsylvania corporation, entity number 1041495.

These Widener defendants employ, own, operate and/or otherwise control both defendant Ammons and the Widener Law School campus found on Concord Pike, U.S. Route 202 in Delaware, north of the City of Wilmington.

154. At all times relevant hereto Ammons was employed by Widener, which was responsible for employing, licensing and supervising her. All of Ammons' contacts with plaintiff were pursuant to her regular and routine job duties for Widener.

155. At all times and in all matters relevant hereto, Widener was the principal of its agent Ammons. Widener manifested an intention that Ammons become its agent and act on its behalf. Ammons was empowered by Widener to perform duties and functions undertaken on behalf of Widener. Ammons accepted and consented to serve and act on its behalf as its agent. Ammons

consented to be subject to Widener's control.

156. Widener gave Ammons the power to act on its behalf and to produce changes in legal relations by performing or not performing legal acts. It conferred upon Ammons the authority (express, implied, apparent or inherent) to affect legal relations by performing acts in accordance with its manifestations of consent. At all times, Ammons acted within the scope of that consent.

157. Ammons' actions were of the kind Widener expected her to perform. Her conduct was not unexpected by Widener. Her actions occurred substantially within the authorized time and space limits placed upon her by Widener. Ammons was actuated at least in part by a purpose to serve Widener.

158. At all times relevant hereto, Ammons was acting within the scope of her employment with Widener.

159. All acts, if any, initially done outside the scope of that consent were ratified, affirmed, adopted, acquiesced in, and not repudiated by Widener. Such acts were enabled by the agency relationship

160. For example, the President of Widener was personally informed of and specifically approved and ratified the acts of Ammons regarding plaintiff.

161. At the time of said ratification, Widener was fully informed, both via Ammons and through other means, of all circumstances relevant to Ammons' mistreatment plaintiff.

162. After becoming fully informed of Ammons' defamatory actions as to plaintiff, Widener chose to ratify, affirm, adopt, acquiesce in and not repudiate such actions.

163. Widener also ratified, affirmed, adopted, acquiesced in and did not repudiate the

actions and allegations of Perez and Tandoh.

164. Instead, Widener explicitly adopted Perez and Tandoh's actions and allegations as its own.

165. At the time of said ratification, Widener was fully informed by its investigation of the actions and the lack of truthfulness of the allegations of both Perez and Tandoh.

166. As a direct and proximate result of Widener's actions, plaintiff has been injured.

167. Widener's actions were willful or wanton and merits an award of punitive damages.

168. Plaintiff's rights have been denied under the common law of the State of Delaware.

Count IV - Aiding and Abetting (Ammons, Perez, Tandoh, Widener)

169. Plaintiff repeats and realleges paragraphs 1-168 set out above.

170. Perez, Tandoh and Widener aided and abetted Ammons in violating plaintiff's common law rights.

171. Perez, Tandoh and Ammons aided and abetted Widener in violating plaintiff's common law rights.

172. Perez, Ammons and Widener aided and abetted Tandoh in violating plaintiff's common law rights.

173. Ammons, Tandoh and Widener aided and abetted Perez in violating plaintiff's common law rights.

174. Each aiding and abetting defendant had actual knowledge of each other defendant's wrongful, illegal and tortious conduct.

175. Each aiding and abetting defendant substantially assisted the other defendants in violating plaintiff's legal rights.

176. Each aiding and abetting defendant was a substantial factor in the other defendants' violation of plaintiff's legal rights.

177. As a direct and proximate result of defendants' actions, plaintiff has been injured.

178. The actions of these aiding and abetting defendants were willful and wanton and merit an award of punitive damages.

179. Plaintiff's rights have been denied under the common law of the State of Delaware.

Wherefore, plaintiff prays that the Court:

- (a) Enter judgment individually against each defendant, jointly and severally.
- (b) Enter a judgment individually against each defendant for compensatory and punitive damages.
- (c) Enter a judgment individually against each defendant for costs and pre and post judgment interest.
- (d) Require such other and further relief as the Court deems just and proper under the circumstances.

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