

State of Michigan 56A Judicial District 56th Judicial Circuit	AFFIDAVIT IN SUPPORT OF COMPLAINT	Case No: District: Circuit:
--	---	--

THE COMPLAINING WITNESS, ON INFORMATION AND BELIEF, SAYS:

1. Your, Affiant, WILLIAM ARNDT, is a Detective Sergeant with the Michigan State Police. I have 23 years experience in law enforcement and criminal investigations. My job duties include the investigation of criminal activity as assigned by MSP.
2. In the regular course of my duties I, along with several Michigan Department of Attorney General (AG) special agents and MSP detectives, am involved with the AG's criminal investigation into the circumstances surrounding the sexual assaults committed by Dr. Larry Nassar on the Michigan State University (MSU) campus from the mid-1990s until 2016 (MSU Investigation). This investigation includes inquiries into whether MSU employees or other officers helped conceal or otherwise facilitate Dr. Nassar's first-degree criminal sexual conduct and whether public officials at MSU committed misconduct in office in connection with the University's handling of allegations against Dr. Nassar.

Lou Anna K. Simon's Statements Regarding Her Knowledge of Dr. Larry Nassar's Sexual Assaults

3. Lou Anna K. Simon held the position of President at Michigan State University from January 1, 2005, to January 24, 2018. As MSU President, Simon served as "the principal executive officer" and was charged with "promoting, supporting, or protecting the interests of the University and in managing and directing all of its affairs." MSU Board of Trustees Bylaws, art IV.
4. As part of the Attorney General's investigation, Detective Lieutenant Joseph Cavanagh and I interviewed Simon on May 1, 2018. At the outset, we advised Simon that we were interviewing her as part of the AG's ongoing criminal investigation into MSU's knowledge and handling of sexual assault allegations against Dr. Larry Nassar. During that interview, I asked Simon whether she was "aware of any prior investigation with Larry Nassar" or his "misconduct" before news of his sexual assaults became public in 2016. Simon stated:

"I was aware that in 2014 there was a sports medicine doc who was subject to a review. But I was not aware of any of the substance of that review, the nature of the complaint, that was all learned in '16"

NOV 21 2018

Evidence Uncovered During the Investigation Regarding Simon's Knowledge of Sexual Assault Allegations Against Dr. Nassar

5. On March 24, 2014, Amanda Thomashow, received medical treatment from Dr. Larry Nassar at the MSU Sports Medicine Clinic, part of the College of Osteopathic Medicine. Under the guise of treating Ms. Thomashow for hip pain, Dr. Nassar placed his hand on her breast and massaged it. He also placed three fingers onto Ms. Thomashow's genital opening and massaged it in a circular motion.
6. On April 18, 2014, Ms. Thomashow reported Dr. Nassar's sexual misconduct to MSU Sports Medicine Clinic Director, Dr. Jeffrey Kovan.
7. On April 21, 2014, Dr. Kovan referred Ms. Thomashow's complaint to the MSU Office for Inclusion and Intercultural Initiatives for investigation.
8. Kristine Moore was assigned to conduct the Title IX investigation into Ms. Thomashow's complaint. Several weeks later, on May 15, 2014, Moore began her investigation by interviewing Ms. Thomashow over the phone. During her initial interview, Ms. Thomashow relayed her allegations, including that Dr. Nassar placed his hand on her genital opening and massaged it in a circular motion.
9. The next morning, on Friday, May 16, 2014, Moore called her supervisor, Paulette Granberry Russell, to advise her of Ms. Thomashow's complaint. Russell was the Director of the Office for Inclusion and Intercultural Initiatives, as well as Senior Advisor to President Simon. According to Russell, during that phone call, she asked Moore to send her the details of Ms. Thomashow's complaint.
10. After speaking with Moore, Russell sent an email from her MSU email account to Simon stating, "We have an incident involving a sports medicine doc."
11. Several hours later, Moore emailed Russell at Russell's personal email address, with the subject line, "Overview of claim we discussed." Moore attached a document summarizing Ms. Thomashow's complaint against Dr. Nassar. It stated, in pertinent part:
 - Claimant: [NAME REDACTED] MSU graduate, 24 years old, no current affiliation.
 - Respondent: Dr. Larry Nassar, Faculty, MSU Sports Medicine
 - Allegations in (very general) summary:
 - massaging breast under shirt over bra for 1-2 minutes; massaging as one would if they were getting intimate

- touching and massaging butt and vagina, under underwear, for 1-2 minutes; massing [sic] as one would if they were getting intimate

12. Three days later, on Monday, May 19, 2014, Russell and Simon had a meeting where documents show Nassar and the sexual assault investigation were discussed.
13. As part of its investigation, investigators with the Attorney General's Office obtained documents from MSU regarding this meeting.
14. Among those documents is Russell's file folder dated May 14, 2014, titled, "President Simon, (SA Survey) 450 Admin." Inside the folder is an agenda for a meeting between Russell and Simon dated May 19, 2014.
15. According to Russell, the meeting originally planned for May 14, 2014, did not occur and that the next scheduled meeting between her and Simon was the following week on Monday, May 19th.
16. The outside of Russell's folder contains her handwritten note stating, "Sports Med, Dr. Nassar, SA".
17. According to Russell, the notation "SA" stands for "sexual assault", the nature of Ms. Thomashow's complaint. Russell also stated that she wrote the note because the incident was problematic for the University, which was then under investigation by the U.S. Department of Education, and she wanted to remind herself for her meeting with Simon on Monday, May 19th.
18. The agenda inside Russell's folder contained a list of topics to be discussed. Item number six on the agenda was, "COM Incident". "COM" stands for College of Osteopathic Medicine, where Dr. Nassar worked. According to Russell, that agenda item refers to the allegations against Dr. Nassar.
19. Investigators also received Simon's agenda from the May 19th meeting. Simon's agenda includes an entry for "Sexual Assault Cases." Next to that entry is a notation in Simon's handwriting, "COM".

Counts 1 & 2: Simon Gave False Statements to Law Enforcement Agents, Impeding their Investigation into First-Degree Criminal Sexual Conduct

20. In light of the evidence uncovered during the MSU investigation, Simon gave materially false and misleading statements to me and Lieutenant Cavanagh that impeded the criminal investigation of first-degree criminal sexual conduct.
21. Simon's statement that she was not aware of the nature of the complaint that generated the 2014 Title IX investigation was false and misleading, as revealed by the documentary evidence showing that (1) Moore informed Russell of the details of the

allegations against Dr. Nassar in a written summary; (2) Russell wrote “SA”—her shorthand for “sexual assault”—on the outside of the folder used during a meeting with Simon three days later, a notation that Russell made to remind herself to raise the issue with Simon; and (3) Simon’s own handwritten “COM” notation next to the “Sexual Assault Cases” item on her agenda for that meeting. These documents show that Simon knew about the nature of the allegations against the “sports medicine doc” who was “subject to a review” in 2014, contrary to her statement that she was not aware.

22. Simon’s additional statement that she was aware of allegations against a “sports medicine doc” in response to a question regarding whether she knew about allegations against *Dr. Nassar* prior to 2016 was false and misleading, as revealed by the documentary evidence showing that (1) Moore informed Russell of Dr. Nassar’s name in a written summary; (2) Russell wrote Nassar’s name on the outside of the folder used during a meeting with Simon three days later at which the allegation was discussed; and (3) Simon’s own handwritten “COM” notation next to the “Sexual Assault Cases” item on her agenda for that meeting. These documents show that Simon was aware of Dr. Larry Nassar’s identity in 2014 as the subject of a sexual assault allegation, contrary to her statement that she was aware only of a “sports medicine doc”.
23. Both statements pertained to a material fact regarding law enforcement’s investigation of first-degree criminal sexual conduct. That the President of MSU knew both Nassar’s identity and nature of the allegations against him as early as 2014 would have been critically important to agents investigating the scope and depth of MSU’s knowledge of, and potential involvement in, Dr. Nassar’s criminal behavior, including MSU’s responses to it.
24. Simon made these statements knowingly and willfully in an effort to insulate herself and MSU from criminal and civil liability, including legal actions taken against the University by the U.S. Department of Education, as well as to preserve the reputation of MSU.
25. Each of these false and misleading statements of material fact is a felony offense, punishable by up to four years in prison. MCL 750.479c(1)(b); MCL 750.479c(2)(d)(iii).

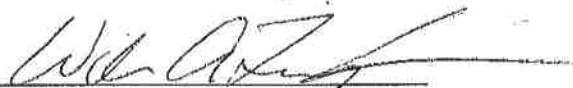
**Counts 3 & 4: Simon Gave False Statements to Law Enforcement Agents,
Impeding their Investigation into Misconduct in Office**

26. Simon’s false and misleading statements to myself and Lieutenant Cavanagh also impeded the criminal investigation into misconduct in office by public officials at MSU.
27. Simon’s statement that she was not aware of the nature of the complaint that generated the 2014 Title IX investigation was false and misleading, as revealed by the documentary evidence showing that (1) Moore informed Russell of the details of the allegations against Dr. Nassar in a written summary; (2) Russell wrote “SA”—her shorthand for “sexual assault”—on the outside of the folder used during a meeting

Simon three days later, a notation that Russell made to remind herself to raise the issue with Simon; and (3) Simon's own handwritten "COM" notation next to the "Sexual Assault Cases" item on her agenda for that meeting. These documents show that Simon knew about the nature of the allegations against the "sports medicine doc" who was "subject to a review" in 2014, contrary to her statement that she was not aware.

28. Simon's additional statement that she was aware of allegations against a "sports medicine doc" in response to a question regarding whether she knew about allegations against *Dr. Nassar* prior to 2016 was false and misleading, as revealed by the documentary evidence showing that (1) Moore informed Russell of Dr. Nassar's name in a written summary; (2) Russell wrote Nassar's name on the outside of the folder used during a meeting with Simon three days later at which the allegation was discussed; and (3) Simon's own handwritten "COM" notation next to the "Sexual Assault Cases" item on her agenda for that meeting. These documents show that Simon was aware of Dr. Nassar's identity in 2014 as the subject of a sexual assault allegation, contrary to her statement that she was only aware of a "sports medicine doc".
29. Both of Simon's false statements pertained to a material fact regarding law enforcement's investigation into misconduct in office. Whether the University President knew both Nassar's identity and the nature of the allegations against him as early as 2014 was critical factual information for agents investigating whether the University President or other public officials committed misconduct in office by concealing or diminishing allegations of sexual assault against a world-renowned doctor affiliated with MSU in an effort to protect the reputation and financial well-being of the institution.
30. Simon made these statements knowingly and willfully in an effort to insulate herself and MSU from criminal and civil liability, including legal actions taken against the University by the U.S. Department of Education, as well as to preserve the reputation of MSU.
31. Each of these false and misleading statements of material fact is a misdemeanor offense, punishable by up to two years in prison. MCL 750.479c(1)(b); MCL 750.479c(2)(c).

Reviewed on: 11/16/18



William A. Forsyth (P23770)
Special Assistant Attorney General
525 West Ottawa Street
Lansing, MI 48983
(517) 373 - 1110

William Arndt

Dt. Sgt. William Arndt (Affiant)
Michigan State Police

Subscribed and Sworn before me on: 11-20-18 Date


Honorable Judge/Magistrate - 56A District Court