

Firm Code: 34560

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

JOHN DOE 3,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
NORTHWESTERN UNIVERSITY;)	Plaintiff Demands a Trial by Jury
MICHAEL SCHILL; MORTON SCHAPIRO;)	
NORTHWESTERN UNIVERSITY’S)	
BOARD OF TRUSTEES, official capacity)	
only; DR. DERRICK GRAGG;)	
JAMES J. PHILLIPS; and)	
PATRICK FITZGERALD,)	
)	
Defendants.		

COMPLAINT AT LAW

NOW COMES the Plaintiff, JOHN DOE 3, by and through his attorneys, SALVI, SCHOSTOK & PRITCHARD P.C., and hereby alleges and states as follows:

GENERAL ALLEGATIONS

1. From 2018 until 2022, and at all times material, Plaintiff JOHN DOE 3 was enrolled in and attended college at the Defendant, NORTHWESTERN UNIVERSITY, located in Evanston, Cook County, Illinois.
2. From 2018 until 2022, and at all times material, Plaintiff JOHN DOE 3 was a member of NORTHWESTERN’s football team.
3. Defendant, NORTHWESTERN UNIVERSITY (hereinafter referred to as “NORTHWESTERN”), is a private, not-for profit, nonsectarian, coeducational institution existing by and under the laws of the State of Illinois, with its principal place of business located in Evanston, Cook County, Illinois.

4. At all times material, NORTHWESTERN was led by Defendant, MICHAEL SCHILL, but governed by Defendant, NORTHWESTERN UNIVERSITY'S BOARD OF TRUSTEES (hereinafter referred to as "BOARD OF TRUSTEES").

5. From September 12, 2022 until the present day, Defendant, MICHAEL SCHILL, was the President of NORTHWESTERN.

6. From September 12, 2022 until the present day, Defendant, MICHAEL SCHILL, was a member of the staff at NORTHWESTERN.

7. From September 12, 2022 until the present day, Defendant, MICHAEL SCHILL, was an employee of NORTHWESTERN.

8. From September 12, 2022 until the present day, Defendant, MICHAEL SCHILL, was an agent and/or apparent agent of NORTHWESTERN.

9. From September 1, 2009, until September 12, 2022, Defendant, MORTON SCHAPIRO, was the President of NORTHWESTERN.

10. From September 1, 2009, until September 12, 2022, Defendant, MORTON SCHAPIRO, was a member of the staff at NORTHWESTERN.

11. From September 1, 2009, until September 12, 2022, Defendant, MORTON SCHAPIRO, was an employee of NORTHWESTERN.

12. From September 1, 2009, until September 12, 2022, Defendant, MORTON SCHAPIRO, was an agent and/or apparent agent of NORTHWESTERN.

13. NORTHWESTERN is governed by Defendant, BOARD OF TRUSTEES, which consists of six officers and no more than thirty-six members.

14. At all times material, "[t]he President of the University shall be an *Ex Officio* Trustee entitled to attend all meetings of the Board of Trustees and its Committees."

15. Defendant, BOARD OF TRUSTEES, “shall establish policies for the governance of the University and shall be responsible for management of the University in a manner that upholds its mission and assures its continued ability to fulfill such mission.”

16. Current officers of the Board of Trustees are: Chair, Peter J. Barris; Vice Chair, Virginia M. Rometty; Vice Chair, Charles A. Tribbett; Secretary, Christine E. Brennan; Treasurer of General Funds, Jane DiRenzo Pigott; and Treasurer of Endowment and Trust Funds, Timothy P. Sullivan.

17. Upon information and belief, Defendant, BOARD OF TRUSTEES, primarily perform their official duties in the City of Evanston, County of Cook, and State of Illinois.

18. From June 4, 2021 until the present day, Defendant, DR. DERRICK GRAGG, was the Combe Family Vice President for Athletics and Recreation at NORTHWESTERN.

19. From June 4, 2021 until the present day, Defendant, DR. DERRICK GRAGG, was a member of the staff at NORTHWESTERN.

20. From June 4, 2021 until the present day, Defendant, DR. DERRICK GRAGG, was an employee of NORTHWESTERN.

21. From June 4, 2021 until the present day, Defendant, DR. DERRICK GRAGG, was an agent and/or apparent agent of NORTHWESTERN.

22. From 2008 until 2021, Defendant, JAMES J. PHILLIPS, was the Combe Family Vice President for Athletics and Recreation at NORTHWESTERN.

23. From 2008 until 2021, Defendant, JAMES J. PHILLIPS, was a member of the staff at NORTHWESTERN.

24. From 2008 until 2021, Defendant, JAMES J. PHILLIPS, was an employee of NORTHWESTERN.

25. From 2008 until 2021, Defendant, JAMES J. PHILLIPS, was an agent and/or apparent agent of NORTHWESTERN.

26. From June of 2006, and at all times material, Defendant PATRICK FITZGERALD was the head football coach at NORTHWESTERN.

27. From June of 2006, and at all times material, Defendant PATRICK FITZGERALD was a member of the staff at NORTHWESTERN.

28. From June of 2006, and at all times material, Defendant PATRICK FITZGERALD was an employee of NORTHWESTERN.

29. From June of 2006, and at all times material, Defendant PATRICK FITZGERALD was an agent and/or apparent agent of NORTHWESTERN.

30. At all times material, NORTHWESTERN undertook to employ staff, such as MICHAEL SCHILL, MORTON SCHAPIRO, BOARD OF TRUSTEES, DR. DERRICK GRAGG, JAMES J. PHILLIPS, and PATRICK FITZGERALD, for the purpose of providing educational and/or athletic services to individuals like the Plaintiff.

31. At all times relevant to the allegations in this Complaint, Defendant PATRICK FITZGERALD was acting under color of law, to wit, under color of statutes, ordinances, regulations, policies, customs and usages of the State of Illinois and/or NORTHWESTERN.

32. Indeed, from approximately 2001 until his termination in 2023, no matter the specific job title, because of his employment and affiliation with NORTHWESTERN, Defendant PATRICK FITZGERALD was effectively clothed in the authority and legitimacy of NORTHWESTERN – a preeminent and prominent university of national acclaim; He was not simply a coach, he was one of NORTHWESTERN’s official head coaches.

33. According to public documents and by its own admission, NORTHWESTERN's mission for student affairs is "to create a culture in which all students can thrive."¹

34. Despite this clear mission, NORTHWESTERN endangered, enabled, and concealed the exploitation of NORTHWESTERN student athletes under the supervision of Defendant PATRICK FITZGERALD.

35. On July 7, 2023, NORTHWESTERN published an executive summary conducted by the law firm, ArentFox Schiff LLP, entitled *Executive Summary: Northwestern Football Hazing Investigation*. In short, the executive summary for the first time, revealed that a student-athlete anonymously complained of hazing within the NORTHWESTERN Football Program on November 30, 2022. Upon conducting an investigation into the complaint, NORTHWESTERN found "participation in or knowledge of the hazing activities was widespread across football players" and "largely supported by the evidence gathered." Nevertheless, despite the numerous credible reports of hazing, dating back to 2014, NORTHWESTERN placed head coach, Defendant PATRICK FITZGERALD, on a mere two-week suspension without pay and discontinued NORTHWESTERN football's training camp in Wisconsin.

36. One day later, on July 8, 2023, NORTHWESTERN's student paper, The Daily Northwestern, released an article entitled *Former NU football player details hazing allegations after coach suspension*. In short, the article revealed detailed reports of the specific hazing traditions continued by NORTHWESTERN's football team and supported by Defendant PATRICK FITZGERALD.

37. On July 8, 2023, Defendant, MICHAEL SCHILL, released a statement entitled *Update on Hazing Investigation* which revealed that he "may have erred in weighing the

¹ <https://www.northwestern.edu/studentaffairs/about/strategic-plan/vision-mission.html>

appropriate sanction for Coach Fitzgerald.” In his statement, Defendant MICHAEL SCHILL reported that Defendant PATRICK FITZGERALD “is not only responsible for what happens within the program but must also take great care to uphold our institutional commitment to the student experience and our priority to ensure all student – undergraduate and graduate—can thrive during their time at Northwestern.”

38. On July 10, 2023, Defendant MICHAEL SCHILL relieved Defendant PATRICK FITZGERALD of his duties as head coach.

39. On July 13, 2023, Defendant MICHAEL SCHILL also relieved head baseball coach, Jim Foster, for engaging in bullying and abusive behavior towards students at NORTHWESTERN.

40. Plaintiff’s claim is now brought following the discovery of NORTHWESTERN, by and through their agents, MICHAEL SCHILL, MORTON SCHAPIRO, BOARD OF TRUSTEES, DR. DERRICK GRAGG, JAMES J. PHILLIPS, and PATRICK FITZGERALD’s, extensive, far-reaching, and ongoing complicity and involvement in the systemic abuse of NORTHWESTERN student athletes, which information first became known through the publication of the Executive Summary.

41. Upon information and belief, NORTHWESTERN’s football program has had longstanding issues involving hazing and bullying that takes on a sexual and/or racist tone.

42. Upon information and belief, Defendant PATRICK FITZGERALD forced players of color to cut their hair and/or behavior differently to be more in line with the “Wildcat Way.”

43. Upon information and belief, Defendant PATRICK FITZGERALD enabled a culture of racism and/or other microaggressions on the NORTHWESTERN football team.

44. Upon information and belief, since the 1990s, NORTHWESTERN's Football Team has held a training camp at University of Wisconsin-Parkside, also known as "Camp Kenosha", in Kenosha, Wisconsin.

45. Upon information and belief, while training at Camp Kenosha and/or at NORTHWESTERN's home field in Evanston, Illinois, members of the team took part in a tradition called "Running".

46. Upon information and belief, "Runs" were events in which a member of the team, typically a freshman, was selected to be targeted following a mistake on the field and/or at practice.

47. Upon information and belief, to signify that a player would be "ran", upperclassmen on the team would run around the player while clapping their hands above the head of the player, also known as the "Shrek clap".

48. Upon information and belief, Defendant PATRICK FITZGERALD was seen on multiple occasions performing the "Shrek clap" when players, typically freshman, made a mistake.

49. Upon information and belief, and at all times material, football players had a whiteboard labeled "Runsgiving" and "Shrek's list" which contained the names of all the players who they planned to "run".

50. Upon information and belief, "Running" consisted of 8-10 upperclassmen, dressed in masks, holding down a player, and dry humping the player in a dark locker room.

51. Upon information and belief, and at all times material during a "run", the entire team watched.

52. Upon information and belief, "Running" was considered a "team bonding" activity.

53. Upon information and belief, while training at Camp Kenosha and/or at NORTHWESTERN's home field in Evanston, Illinois, freshman on NORTHWESTERN's

football team were forced to strip naked and perform various acts, including but not limited to bear crawling in front of the team and/or slingshotting themselves across the floor with exercise bands.

54. Upon information and belief, once a year, NORTHWESTERN's football team took part in a tradition called "the carwash".

55. Upon information and belief, "the carwash" consisted of players lining up, standing naked, and spinning around at the entrance of the showers so that all freshman players were forced to rub up against the line of men to get to their showers.

56. Upon information and belief, "the carwash" also consisted of players with a hose spraying the freshman as they walked through the tunnel of naked men.

57. Upon information and belief, and at all times material during the "carwash", the entire team watched.

58. Upon information and belief, NORTHWESTERN's football team took part in a tradition called "naked center-quarterback exchange."

59. Upon information and belief, the "naked center-quarterback exchange" consisted of the freshman quarter back taking an under-center snap from a freshman center while both players were naked.

60. Upon information and belief, and at all times material during the "naked center-quarterback exchange", the entire team watched.

61. Upon information and belief, NORTHWESTERN's football team took part in a tradition called "Gatorade shake challenge."

62. Upon information and belief, the "Gatorade shake challenge" consisted of freshman players being forced to drink as many Gatorade shakes as possible during a ten minute period.

63. Upon information and belief, and at all times material during the “Gatorade shake challenge”, the entire team watched.

64. Upon information and belief, if players expressed a desire to not participate in a hazing tradition, upperclassmen would threaten that the player would be “run”.

65. Upon information and belief, the social pressure and hazing was so severe that even unwilling participants were forced to take part in acts that were assaultive, illegal, and often sexual in nature.

66. Upon information and belief, knowledge and involvement in the aforementioned traditions was widespread throughout the entire football program.

67. From 2018 until 2022, Defendant PATRICK FITZGERALD took part in the harassment, hazing, bullying, assault, and/or abuse of athletes, including but not limited to Plaintiff JOHN DOE 3.

68. From 2018 until 2022, members of the football team would watch as Defendant PATRICK FITZGERALD harassed, hazed, bullied, assaulted and/or abused athletes, including but not limited to Plaintiff JOHN DOE 3.

69. Upon information and belief, students are specifically prohibited from engaging in hazing or urging others to engage in hazing in any form, including but not limited to physical and/or mental abuse, threats, harassment, sexual violations, isolation, kidnapping, degrading or humiliating games, and compelling consumption of liquids and/or other substances. Northwestern Student Handbook, pages 33-34.

70. Upon information and belief, students are further prohibited from engaging in sexual misconduct, including but not limited to assault, exploitation, and harassment. Northwestern Student Handbook, pages 137-38.

71. Upon information and belief, students are prohibited from taking part in hazing during extracurricular activities and doing so can result in probation, suspension, degree revocation, expulsion, fine, financial restitution, loss of privileges, restrictions on access/contact, and/or group dissolution.

72. 720 ILCS 120/5 of the Illinois Hazing Act, defines a person committing hazing as someone “who knowingly requires the performance of any act by a student or other person in a school... for the purpose of induction or admission into any group, organization, or society associated or connected with the institution if: (a) the act is not sanctioned or authorized by that educational institution; and (b) the act results in bodily harm to any person.” Individuals who take part in such acts can be charged with a Class A misdemeanor or a Class 4 felony depending on the severity of the injury. 720 ILCS 120/10.

73. Upon Information and belief, NORTHWESTERN’s administration and football coaching staff took no action addressing hazing on the football team until after the incident occurring on July 8, 2023.

COUNT I
(John Doe 3 v. Northwestern, Schill, Schapiro, Board of Trustees, Gragg, Phillips, and Fitzgerald)
(Negligence)

74. Plaintiff incorporates by reference all preceding paragraphs.

75. From 2018 through 2022, NORTHWESTERN, as an institution, and by and through its actual agents, apparent agents, and/or employees, Defendants, MICHAEL SCHILL, MORTON SCHAPIRO, BOARD OF TRUSTEES, DR. DERRICK GRAGG, JAMES J. PHILLIPS, and PATRICK FITZGERALD, had a duty to supervise and protect the physical safety of NORTHWESTERN student athletes.

76. NORTHWESTERN, as an institution, and by and through its actual agents, apparent agents, and/or employees, Defendants, MICHAEL SCHILL, MORTON SCHAPIRO, BOARD OF TRUSTEES, DR. DERRICK GRAGG, JAMES J. PHILLIPS, and PATRICK FITZGERALD, breached its duty to the Plaintiff, JOHN DOE 3, and was negligent in one or more of the following ways:

- a. Failed to prevent hazing traditions occurring at or around NORTHWESTERN's locker rooms and/or Camp Kenosha;
- b. Failed to intervene in hazing traditions occurring at or around NORTHWESTERN's locker rooms and/or Camp Kenosha;
- c. Failed to properly report suspected hazing on NORTHWESTERN's campus;
- d. Failed to protect NORTHWESTERN's students from acts that were assaultive, illegal, and often sexual in nature;
- e. Failed to properly supervise practices and locker rooms at or around NORTHWESTERN's campus and/or Camp Kenosha;
- f. Failed to properly train and supervise NORTHWESTERN's employees, agents, and/or apparent agents in the performance of their duties;
- g. Failed to properly train NORTHWESTERN's employees, agents, and/or apparent agents in the policies and procedures of NORTHWESTERN regarding sexual misconduct, hazing, and racism;
- h. Failed to properly review NORTHWESTERN's employees, agents, and/or apparent agents' performance and appropriateness of their actions within their role at NORTHWESTERN;
- i. Was otherwise careless and/or negligent.

77. As a direct and proximate result of one or more of the foresaid alleged acts and/or omissions of the Defendant, NORTHWESTERN, as an institution, and by and through its actual agents, apparent agents, and/or employees, MICHAEL SCHILL, MORTON SCHAPIRO,

BOARD OF TRUSTEES, DR. DERRICK GRAGG, JAMES J. PHILLIPS, and PATRICK FITZGERALD, Plaintiff JOHN DOE 3 suffered in the past, and will continue to suffer in the future, permanent and severe injuries of a personal and pecuniary nature.

WHEREFORE, the Plaintiff, JOHN DOE 3, by and through his attorneys, SALVI, SCHOSTOK & PRITCHARD P.C., demands judgment against Defendants, NORTHWESTERN UNIVERSITY; MICHAEL SCHILL; MORTON SCHAPIRO; NORTHWESTERN UNIVERSITY'S BOARD OF TRUSTEES, official capacity only; DR. DERRICK GRAGG; JAMES J. PHILLIPS; and PATRICK FITZGERALD, for an amount in excess of \$50,000.00 (Fifty Thousand Dollars), together with the costs of this action.

COUNT II

**(John Doe 3 v. Northwestern, Schill, Schapiro, Board of Trustees, Gragg, Phillips, and Fitzgerald)
(Willful and Wanton)**

78. Plaintiff incorporates by reference all preceding paragraphs.

79. From 2018 through 2022, NORTHWESTERN, as an institution, and by and through its actual agents, apparent agents, and/or employees, MICHAEL SCHILL, MORTON SCHAPIRO, BOARD OF TRUSTEES, DR. DERRICK GRAGG, JAMES J. PHILLIPS, and PATRICK FITZGERALD, had a duty to supervise and protect the physical safety of NORTHWESTERN student athletes and to refrain from acting with an utter indifference and/or conscious disregard for the safety of NORTHWESTERN's student athletes, including JOHN DOE 3.

80. NORTHWESTERN, as an institution, and by and through its actual agents, apparent agents, and/or employees, MICHAEL SCHILL, MORTON SCHAPIRO, BOARD OF TRUSTEES, DR. DERRICK GRAGG, JAMES J. PHILLIPS, and PATRICK FITZGERALD,

breached their duty to JOHN DOE 3 and were willful and wanton in one or more of the following ways:

- a. Defendants knew or should have known that by not supervising their students, such acts of hazing, harassment, and sexual abuse could occur and go unnoticed;
- b. Defendants knew or should have known about the traditions of hazing throughout NORTHWESTERN's Football Program, which included hazing and assault of a sexual nature, including forcibly dry humping teammates;
- c. Defendants knew or should have known that bullying and/or hazing was so prevalent that unwilling participants were forced to take part in acts that were assaultive, illegal, and often sexual in nature;
- d. Defendants knew or should have known that their failure to properly supervise practices and the locker rooms posed a high probability of serious harm to students, including but not limited to JOHN DOE 3;
- e. Defendants recklessly did not inform the authorities or administration of the occurrence of hazing and/or abuse to JOHN DOE 3, in violation of 720 ILCS 12C-50.1;
- f. Defendants recklessly and/or consciously disregarded the substantial risks posed by not supervising team practices and the locker rooms of NORTHWESTERN;
- g. Defendants knew or should have known that their failure to properly train and supervise their staff regarding policies against hazing, bullying, and sexual misconduct would pose a high probability of serious harm to students, including but not limited to JOHN DOE 3;
- h. Defendants recklessly or consciously disregarded the substantial risks that actions were perpetrated against JOHN DOE 3 constituting criminal acts; and/or
- i. Were otherwise willful and wanton in their conscious disregard for the safety of their students, including but not limited to JOHN DOE 3.

81. As a direct and proximate result of these willful and wanton acts and/or omissions, of the Defendant, NORTHWESTERN, as an institution, and by and through its actual agents, apparent agents, and/or employees, MICHAEL SCHILL, MORTON SCHAPIRO, BOARD OF

TRUSTEES, DR. DERRICK GRAGG, JAMES J. PHILLIPS, and PATRICK FITZGERALD, Plaintiff JOHN DOE 3 suffered in the past, and will continue to suffer in the future, permanent and severe injuries of a personal and pecuniary nature.

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PLAINTIFF DEMANDS A TRIAL BY JURY

Respectfully Submitted,

SALVI, SCHOSTOK & PRITCHARD P.C.

By: 
One of the Attorneys for Plaintiff

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