

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NICHOLAS SPAETH,
818 West 56th Street,
Kansas City, MO 64113,

Plaintiff,

v.

Civil Action No. 11-1376 (ESH)

MICHIGAN STATE UNIVERSITY
COLLEGE OF LAW,
368 Law College Building,
East Lansing, MI 48824,

JOAN W. HOWARTH, DEAN,
MICHIGAN STATE UNIVERSITY
COLLEGE OF LAW,
368 Law College Building,
East Lansing, MI 48824,

CURATORS OF THE
UNIVERSITY OF MISSOURI, d/b/a
UNIVERSITY OF MISSOURI
SCHOOL OF LAW,
316 University Hall,
Columbia, MO 65211,

BRADY J. DEATON, CHANCELLOR,
UNIVERSITY OF MISSOURI,
105 Jesse Hall,
Columbia, MO 65211,

DIRECTORS OF THE HASTINGS
COLLEGE OF LAW, d/b/a
HASTINGS COLLEGE OF THE LAW,
200 McAllister Street,
San Francisco, CA 94102,

FRANK H. WU, CHANCELLOR AND DEAN,
UNIVERSITY OF CALIFORNIA,
HASTINGS COLLEGE OF THE LAW,
200 McAllister Street,

San Francisco, CA 94102,)
)
GEORGETOWN UNIVERSITY,)
36th Street & O Street, N.W.,)
Washington, D.C. 20007,)
)
BOARD OF REGENTS, STATE OF IOWA,)
d/b/a UNIVERSITY OF IOWA)
COLLEGE OF LAW,)
11260 Aurora Avenue,)
Urbandale, IA 50322,)
)
SALLY MASON, PRESIDENT,)
UNIVERSITY OF IOWA,)
101 Jessup Hall,)
Iowa City, IA 52242,)
)
BOARD OF REGENTS,)
UNIVERSITY SYSTEM OF MARYLAND,)
d/b/a UNIVERSITY OF MARYLAND)
SCHOOL OF LAW,)
3300 Metzert Road,)
Adelphi, MD 20703, and)
)
WALLACE D. LOH, PRESIDENT,)
UNIVERSITY OF MARYLAND,)
1101 Main Administration Building,)
College Park, MD 20742,)
)
Defendants.)
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AMENDED COMPLAINT

Preliminary Statement

1. Plaintiff Nicholas Spaeth files this action against Defendants Michigan State University College of Law (“Michigan State”), the University of Missouri School of Law (“the University of Missouri”), the University of California, Hastings College of the Law (“U.C. Hastings”), the Georgetown University Law Center (“Georgetown”), the University of Iowa College of Law (“the University of Iowa”), and the University of Maryland School of Law (“the

University of Maryland”), seeking redress for age discrimination under the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*, and the District of Columbia Human Rights Act, D.C. CODE § 2-1401.01 *et seq.* Plaintiff, who was born in 1950, applied for teaching positions with Defendants beginning during the 2011-2012 academic year. Despite Plaintiff’s exemplary qualifications, Defendants did not offer Plaintiff a tenure-track teaching position for the 2011-2012 academic year, and all but one Defendant (the University of Missouri School of Law) did not even offer Plaintiff an interview. Instead, Defendants hired individuals decades younger than Plaintiff whose qualifications are significantly inferior to Plaintiff’s qualifications.

Jurisdiction and Venue

2. This court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331.
3. Venue is proper in this jurisdiction under 28 U.S.C. § 1391.
4. Plaintiff timely filed Charges of Discrimination (Charge No. 560-2011-01130 against Michigan State on March 13, 2011, Charge No. 560-2011-00695 against the University of Missouri on February 1, 2011, Charge No. 560-2011-00988 against U.C. Hastings on March 6, 2011, Charge No. 560-2011-01096 against Georgetown on March 13, 2011, Charge No. 560-2011-01111 against the University of Iowa on March 13, 2011, and Charge No. 560-2011-01124 against the University of Maryland on March 13, 2011) with the Equal Employment Opportunity Commission (“EEOC”).
5. The EEOC issued Plaintiff Notices of Right to Sue on Charge No. 560-2011-01130 on April 29, 2011 and on the other Charges of Discrimination on September 27, 2011.

Parties

6. Plaintiff Nicholas Spaeth is a citizen of the State of Missouri who is domiciled at 818 West 56th Street, Kansas City, Missouri 64113.

7. Defendant Michigan State University College of Law is a registered nonprofit corporation located at 368 Law College Building, East Lansing, MI 48824.

8. Defendant Joan W. Howarth, Dean of the Michigan State University College of Law, has final authority to make hiring decisions at Michigan State University College of Law.

9. Defendant Curators of the University of Missouri, d/b/a University of Missouri School of Law, is a state agency located at 316 University Hall, Columbia, MO 65211.

10. Defendant Brady J. Deaton, Chancellor of the University of Missouri, has final authority to make hiring decisions at the University of Missouri School of Law.

11. Defendant the University of California, Hastings College of the Law is a state agency located at 200 McAllister Street, San Francisco, California 94102.

12. Defendant Frank H. Wu, Chancellor and Dean of the University of California, Hastings College of the Law, has final authority to make hiring decisions at the University of California, Hastings College of the Law.

13. Georgetown University Law Center, located at 600 New Jersey Avenue, NW, Washington, D.C. 20001, is a school of Defendant Georgetown University, a chartered nonprofit organization located at 36th Street and O Street, NW, Washington, D.C. 20007.

14. Defendant Board of Regents, State of Iowa, d/b/a the University of Iowa College of Law ("University of Iowa"), is a state agency located at 11260 Aurora Avenue, Urbandale, IA 50322.

15. Defendant Sally Mason, President of the University of Iowa, has final authority to make hiring decisions at the University of Iowa College of Law.

16. Defendant Board of Regents, University System of Maryland, d/b/a University of Maryland School of Law, is a state agency located at 3300 Metzert Road, Adelphi, MD 20703.

17. Defendant Wallace D. Loh, President of the University of Maryland, has final authority to make hiring decisions at the University of Maryland School of Law.

Factual Allegations

18. The Association of American Law Schools (“AALS”), located in Washington, D.C., is a nonprofit educational association of 172 law schools and their constituent faculty members.

19. The AALS was founded in 1900, and since 1974 one of its most important membership services has been faculty placement services.

20. It coordinates hiring for law schools by having applicants for law school teaching positions pay a fee to the AALS (\$400 in 2010 and \$450 in 2011), and submit information to the AALS through its Faculty Appointments Register.

21. The information submitted generally consists of two parts. The first part, which is mandatory, consists of a short profile of the candidate’s education, background, and teaching interests. The second part, optional, is a full resume.

22. This information is then distributed to all AALS members who are recruiting.

23. In turn AALS members generally list, in the AALS’s Placement Bulletin, the descriptions of open positions and the type of candidate sought.

24. The process culminates in an annual Faculty Recruitment Conference held in the fall in Washington, D.C., to which the law schools send their recruiting teams to interview applicants.

25. Although candidates are asked to submit their preferences and interests in teaching, on information and belief, most law schools are also interested in talented backgrounds and will hire individuals outside their expressed area of interest to teach other subjects.

26. On information and belief, the AALS and its member law schools do not release breakdowns based on the number of schools that participated the total number of interviews that occurred or demographic information concerning the individuals selected for interviews or hired.

27. From October 28, 2010 through October 30, 2010, the AALS held its annual Faculty Recruitment Conference in Washington, D.C. On information and belief, approximately 180 law schools interviewed approximately 800 applicants for approximately 300 positions.

28. Plaintiff applied for a position with each of the Defendants and every other AALS member school through the Faculty Appointments Register during the 2010 hiring cycle.

29. Plaintiff received only two interviews during the 2010 hiring cycle: one at the University of Missouri, where he was already teaching as a visiting professor, and one at the University of Nebraska. Plaintiff received no job offers during the 2010 hiring cycle.

30. At a workshop hosted by AALS at the 2011 Faculty Recruitment Conference entitled "Teaching After an Established Career," a speaker designated by the AALS stated that many law schools are biased against older applicants in the law school hiring process.

31. On information and belief, Defendant Michigan State University College of Law interviewed 24 applicants at the 2010 AALS Faculty Recruitment Conference.

32. On information and belief, Defendant University of Missouri School of Law interviewed 24 applicants at the 2010 AALS Conference.

33. On information and belief, Defendant U.C. Hastings interviewed 100 applicants at the 2010 AALS Conference or based on applications submitted through the AALS program.

34. On information and belief, Defendant University of Maryland interviewed 34 applicants at the 2010 AALS Conference.

35. Defendants Michigan State, U.C. Hastings, Georgetown, University of Iowa and

University of Maryland each declined to interview Plaintiff at the 2010 AALS Conference.

36. Plaintiff was exceedingly well-qualified for a teaching position with each Defendant.

37. Plaintiff's Faculty Appointments Register form listed his qualifications for teaching positions with Defendants and incorporated by reference his resume, which described his qualifications in more detail.

38. Plaintiff graduated *magna cum laude*, Phi Beta Kappa from Stanford University in 1972.

39. Plaintiff was awarded a Rhodes Scholarship and earned a Master's Degree from Oxford University in Politics, Philosophy, and Economics, graduating with First Class Honors (*summa cum laude*) in 1974.

40. Plaintiff attended Stanford Law School, one of the top law schools in the country, served as the Managing Editor of the Stanford Law Review (the second-highest position on the Law Review), and graduated in 1977.

41. Plaintiff served as a law clerk to Judge Myron Bright of the United States Court of Appeals for the Eighth Circuit from 1977 to 1978.

42. Plaintiff served as a law clerk to Justice Byron White of the United States Supreme Court from 1978 to 1979.

43. Plaintiff has over thirty years of high-level experience as a legal practitioner.

44. From 1979 to 1985, Plaintiff was a trial lawyer with an emphasis on commercial disputes. He worked as an associate at a law firm for two years, and then worked as a partner at a different law firm for four years. During this time, he acted as first chair or assisted in dozens of trials and appeals.

45. In 1984, Plaintiff was elected to serve as North Dakota's State Attorney General, and he served two consecutive four-year terms, from 1985 to 1989 and from 1990 to 1993.

46. As North Dakota's State Attorney General, Plaintiff was the state's chief lawyer and prosecutor, managing a large legal staff with critical civil, criminal, and regulatory responsibilities.

47. As North Dakota's State Attorney General, Plaintiff represented the state in significant consumer affairs, antitrust, and regulatory disputes; led the state's oil and gas regulatory commission; directed the state-owned bank and the state housing finance agency; and argued many groundbreaking appellate cases and three cases before the United States Supreme Court, including *Quill v. North Dakota*, one of the most important tax cases to reach the Supreme Court in the twentieth century.

48. Plaintiff worked as a partner at two national law firms from 1993 to 2000. His practice was focused on securities, antitrust, contracts, mergers and acquisitions, intellectual property, and financial services work.

49. From 2000 to 2003, Plaintiff served as the Senior Vice President, General Counsel, and Secretary of the GE Employers Reinsurance Corporation, a publicly held conglomerate of several dozen insurance companies that collectively were among the largest in the world, with approximately \$25 billion in assets.

50. As the Senior Vice President, General Counsel, and Secretary of the GE Employers Reinsurance Corporation, Plaintiff supervised a staff of 175 lawyers; oversaw business operations with a focus on legal matters, claims, risk management, government and regulatory relations, and compliance; managed SEC reporting and Sarbanes-Oxley ("SOX") compliance; coordinated several major acquisitions and divestitures; successfully negotiated a \$1

billion commutation with a bankrupt insurer; and led Six Sigma initiatives in claims, underwriting, legal process management, and contract creation. He sat on the boards of directors of German and British insurance companies; managed board matters and corporate matters for the German and British companies; and acted as the liaison to U.S., German, and British tax and regulatory authorities on behalf of those companies.

51. From 2003 to 2004, Plaintiff served as the Senior Vice President, General Counsel, and Secretary of Intuit, Inc., a Fortune 500 software company.

52. As Senior Vice President, General Counsel, and Secretary of Intuit, Inc., Plaintiff oversaw the strategic operations of the company and its subsidiaries; reported to the company's board and corporate secretary; managed the company's legal, privacy, government affairs, and security functions; led major initiatives in privacy and data protection; and played a central role in reforming the company's intellectual property protection system.

53. From 2003 to 2007, Plaintiff served as the Senior Vice President, Law and Public Policy, and Chief Legal Officer of H&R Block, Inc., a Fortune 500 financial services company and the largest tax preparation company in the world.

54. As Senior Vice President, Law and Public Policy, and Chief Legal Officer of H&R Block, Inc., Plaintiff was responsible for the company's legal, government affairs, risk, external relations, mergers and acquisitions, and tax compliance operations.

55. As Senior Vice President, Law and Public Policy, and Chief Legal Officer of H&R Block, Inc., Plaintiff supervised a staff of 45 lawyers and supervised three major acquisitions and the chartering of a *de novo* thrift by the Office of Thrift Supervision; served on the steering committee of the company's SOX compliance team; participated in all board and committee meetings; and was closely involved in major regulatory issues with the Securities and

Exchange Commission, the Office of Thrift Supervision, and state, national, and international regulators.

56. As Senior Vice President, Law and Public Policy, and Chief Legal Officer of H&R Block, Inc., Plaintiff supervised the company's regulatory compliance issues related to a major subprime lender subsidiary, Option One, and managed risk mitigation, capital markets transactions, and issues related to restatement of financials; managed the defense of several consumer class actions in addition to securities and derivative litigation stemming from restatement of financials; reviewed the performance of outside counsel and other expenses to reduce the company's expenditures; created a financial service product review process to minimize the company's risk; and oversaw the company's SEC repository function.

57. From 2007 to 2009, Plaintiff served as the Executive Vice President, Chief Legal Officer, and Chief Risk Officer of the Federal Home Loan Bank of Des Moines.

58. As Executive Vice President, Chief Legal Officer, and Chief Risk Officer of the Federal Home Loan Bank of Des Moines, Plaintiff served as one of five senior executives at a major Government Sponsored Enterprise with a balance sheet of over \$80 billion and the major source of bank liquidity in a five-state region.

59. As Executive Vice President, Chief Legal Officer, and Chief Risk Officer of the Federal Home Loan Bank of Des Moines, Plaintiff managed all aspects of the bank's legal affairs, compliance, and strategic, market, credit, and operation risk; set up a best-in-class Enterprise Risk Governance Structure; developed real-time risk reporting templates that captured market, credit, operations, and strategic risks, and documented them for board, executive, and regulatory review; oversaw dynamic hedging and asset liability matching strategies for over \$20 billion in an interest rate sensitive mortgage portfolio; oversaw the bank's credit risk function

and managed the bank's overall asset portfolio; supervised the implementation of SOX processes; managed legal functions such as SEC public reporting, ongoing employment, contract, and corporate issues; integrated a large number of corporate policies into one comprehensive internal policy document; oversaw regulatory examinations; and served as a liaison with regulators in the wake of the Housing and Economic Recovery Act of 2008.

60. Plaintiff also served for almost ten years as the Chair of the American Bar Association's Amicus Curiae Committee, worked as an election judge in the Republic of Bosnia in 1997 and on various other governmental advisory groups, and often gave presentations in his areas of expertise, including corporate governance, corporate finance, corporate reorganizations, tax, SOX compliance, and regulatory law.

61. In addition to his over thirty years of experience as a legal practitioner, Plaintiff has four years of law school teaching experience. He served as an adjunct professor of law at the University of Minnesota Law School from the 1980-1981 academic year through the 1982-1983 academic year, where he taught constitutional law, and he served as a visiting professor of law with the University of Missouri during the 2010-2011 academic year, where he taught in the areas of financial services regulation, securities, mergers and acquisitions, and business and accounting.

62. Plaintiff received extremely positive teaching evaluations at the University of Missouri, including, "The best teacher I ever had"; "I find it difficult to understand why Prof. Spaeth isn't teaching here for the next 20 years"; "I think this school is insane not to do everything in their power to keep this teacher and this class"; "I think this is a valuable course that should continue to be taught at the law school and Spaeth is a great prof. and a wealth of knowledge;" "will recommend prof to others for next semester"; "a lot of students have asked

me about this class & hope to take it”; and “this is an excellent course idea. Prof. Spaeth has the knowledge and ability to teach the material. Keep this class on the books.”

63. Plaintiff also has an impressive scholarly record. As his Faculty Appointments Register form and accompanying resume stated, he edited the *American Indian Law Deskbook*, authored numerous other publications, and argued groundbreaking cases before the United States Supreme Court on three separate occasions. In his capacity as Chair of the American Bar Association’s Amicus Curiae Committee, he also helped draft and file over forty amicus briefs with the United States Supreme Court; delivered a paper at the Kremlin comparing the U.S. and Soviet legal systems; participated in a major task force study that issued a publication addressing the process of choosing federal judges; wrote a series of internal papers on credit risk, interest rate risk, and the mortgage crisis for the Federal Home Loan Bank System; and published many other articles in newspapers and other publications.

Defendant Michigan State University College of Law’s 2011 Hiring

64. Defendant Michigan State University College of Law hired three new professors to begin during the 2011-2012 academic year, all of whom are significantly less qualified than Plaintiff.

65. On information and belief, all of the individuals that Michigan State hired are decades younger than Plaintiff. The first hire graduated from law school in 2006, the second hire graduated from law school in 2001, and the third hire graduated from law school in 2005. Michigan State interviewed all three successful applicants at the Faculty Recruitment Conference.

66. Michigan State’s posting in the AALS’s October 2010 Placement Bulletin stated, “[Michigan State] . . . expects to be making several . . . appointments this year, and therefore

seeks exceptional entry level and lateral candidates in all areas, especially for first year courses and tax Applicants should have distinguished academic records, demonstrated teaching ability or relevant work experience, and an established record of scholarly achievement.”

67. Michigan places a particular emphasis on practical experience when hiring law faculty. Its website states that its “faculty are high-quality *experienced professionals* whose mission is to provide MSU Law students with a *practical legal education*” (emphasis added).

68. Michigan State chose not to interview Plaintiff at the Faculty Recruitment Conference.

69. Michigan State’s first hire was hired to teach contracts, corporate income taxation, and partnership taxation, which are all areas in which Plaintiff is an expert.

70. The qualifications of Michigan State’s first hire are significantly inferior to Plaintiff’s qualifications.

71. Michigan State’s first hire did not serve as a law clerk. Plaintiff clerked on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court.

72. The practical work experience of Michigan State’s first hire is limited to less than three years as an associate at a law firm. Plaintiff worked as an associate at a law firm for two years, worked as a partner at three law firms for a total of eleven years (first-chairing numerous trials and appeals), and has nearly two decades of additional experience as a legal practitioner, including service as a state Attorney General and the general counsel of three publicly held companies with billions of dollars in assets. As Senior Vice President, Law and Public Policy, and Chief Legal Officer of H&R Block, Inc., the largest tax preparation company in the world, Plaintiff was responsible for the company’s tax compliance and regulatory issues.

73. It is particularly crucial for law professors who teach corporate income taxation,

partnership taxation, and related subject matters to have relevant practical work experience, as those areas of expertise are more skills-based and less theoretical than other areas of the law.

74. Michigan State's first hire has only two years of law school teaching experience. Plaintiff has four years of law school teaching experience.

75. On information and belief, Michigan State's first hire had no law review publications at the time of the Faculty Recruitment Conference.

76. Plaintiff has extensive scholarly experience in the area of tax law, including having argued one of the most groundbreaking tax law cases in the twentieth century before the United States Supreme Court and having helped draft and file over forty Supreme Court amicus briefs in his capacity as Chair of the American Bar Association's Amicus Curiae Committee.

77. Michigan State's second hire was hired to teach administrative law and the regulatory state, areas in which Plaintiff is an expert.

78. Michigan State's posting in the AALS's October 2010 Placement Bulletin expressed no need for a professor with a focus on administrative law and the regulatory state.

79. The qualifications of Michigan State's second hire are significantly inferior to Plaintiff's qualifications.

80. Michigan State's second hire served as a law clerk on the Supreme Court of Hawaii. Plaintiff clerked on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court, both of which are more prestigious courts than the Supreme Court of Hawaii.

81. The practical work experience of Michigan State's second hire is limited to four years as an associate at a law firm and one year as a staff attorney at a nonprofit. Plaintiff worked as an associate at a law firm for two years, worked as a partner at three law firms for a

total of eleven years (first-chairing numerous trials and appeals), and has nearly two decades of additional experience as a legal practitioner, including service as a state Attorney General and as the general counsel of three publicly held companies with billions of dollars in assets, where he was responsible for overseeing the companies' regulatory affairs.

82. It is particularly crucial for law professors who teach regulatory law and related subject matters to have relevant practical work experience, as those areas of expertise are more skills-based and less theoretical than other areas of the law.

83. Michigan State's second hire has three years of law school teaching experience. Plaintiff has four years of law school teaching experience.

84. On information and belief, Michigan State's second hire had no law review publications at the time of the Faculty Recruitment Conference.

85. Plaintiff has extensive scholarly experience in the area of administrative law and the regulatory state, including having helped draft and file over forty Supreme Court amicus briefs in his capacity as Chair of the American Bar Association's Amicus Curiae Committee and having written a series of internal papers on credit risk, interest rate risk, and the mortgage crisis for the Federal Home Loan Bank System.

86. Michigan State's third hire was hired to teach criminal procedure and sports law.

87. Michigan State's posting in the AALS's October 2010 Placement Bulletin expressed no need for a professor with a focus on criminal procedure and sports law.

88. The qualifications of Michigan State's third hire are significantly inferior to Plaintiff's qualifications.

89. Michigan State's third hire did not serve as a law clerk. Plaintiff clerked on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court.

90. Michigan State's third hire has no work experience as a legal practitioner. Plaintiff has over thirty years of work experience as a legal practitioner, including as a partner at three law firms, as a state Attorney General, and as the general counsel of three publicly held companies with billions of dollars in assets.

91. Michigan State's third hire has no law school teaching experience. Plaintiff has four years of law school teaching experience.

92. Michigan State chose not to interview or hire Plaintiff for a teaching position beginning during the 2011-2012 academic year.

93. If Michigan State had considered Plaintiff's application based on his qualifications alone and not based on his age, it would have granted him an interview at the AALS Faculty Recruitment Conference in Washington, D.C.

94. If Michigan State had considered Plaintiff's application based on his qualifications alone and not based on his age, it would have hired him for any of the teaching positions it filled for the 2011-2012 academic year.

Defendant the University of Missouri School of Law's 2011 Hiring

95. Plaintiff served as a visiting professor with the University of Missouri during the 2010-2011 academic year and taught courses in securities law, basic business transactions, and accounting for lawyers.

96. The dean of the law school, R. Lawrence Dessem, stated to Plaintiff that his experience with business law made him a valuable contributor to the school.

97. Because of Plaintiff's expertise as a legal practitioner and his exemplary performance as a teacher, Dean Dessem asked Plaintiff to write about his business law courses as part of a fundraising effort targeted at a law school alumnus and potential major donor.

98. Plaintiff developed and taught four new courses during his year as a visiting professor with the University of Missouri. Dean Dessem repeatedly told Plaintiff that the University of Missouri did not have enough faculty members with expertise in business law and that Plaintiff's employment was part of the law school's effort to correct that imbalance.

99. Prior to the Faculty Recruitment Conference, the University of Missouri's Hiring and Recruitment Committee interviewed Plaintiff and two other visiting professors at the school's Columbia, Missouri, campus.

100. In December 2010, the University of Missouri told Plaintiff it would not be offering him a full-time tenure-track teaching position.

101. The University of Missouri provided no explanation for the decision not to retain Plaintiff other than stating that an anonymous faculty vote had placed four other candidates and one alternate candidate ahead of him.

102. The University of Missouri hired four applicants for teaching positions beginning during the 2011-2012 academic year, two of whom were the two other visiting professors during the 2010-2011 academic year.

103. Before the University of Missouri chose not to hire Plaintiff for a tenure-track teaching position, it had routinely granted tenure-track positions to visiting professors and denied only one visiting professor such a position, a decision which, on information and belief, was based on the professor's poor teaching performance evaluations.

104. On information and belief, all four individuals whom the University of Missouri hired for tenure-track teaching positions to begin during the 2011-2012 academic year are significantly less qualified than Plaintiff.

105. The University of Missouri's posting in the AALS's October 2010 Placement

Bulletin stated, “We have particular needs in the areas of corporate law, criminal procedure, dispute resolution, environmental law, professional responsibility and tax. The School of Law is looking for individuals with a strong commitment to scholarship, teaching, and public service. Candidates must have a strong academic record and either legal practice experience or advanced academic training.”

106. On information and belief, all of the individuals that the University of Missouri hired are decades younger than Plaintiff. The first hire graduated from law school in 2003, the second hire graduated from law school in 2005, and the third and fourth hires graduated from law school in 2006.

107. The University of Missouri’s first hire was hired to teach negotiation and alternative dispute resolution.

108. The University of Missouri’s first hire is significantly less qualified than Plaintiff for a teaching position.

109. The University of Missouri’s first hire did not serve as a law clerk. Plaintiff clerked on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court.

110. The University of Missouri’s first hire has no experience as a legal practitioner. Plaintiff worked as an associate at a law firm for two years, worked as a partner at three law firms for a total of eleven years (first-chairing numerous trials and appeals), and has nearly two decades of additional experience as a legal practitioner, including service as a state Attorney General and the general counsel of three publicly held companies with billions of dollars in assets.

111. The University of Missouri’s first hire has less scholarly experience than Plaintiff.

On information and belief, the first hire has never served on a law review and had published only one paper when hired by the University of Missouri, in the American Journal of Legal History. Plaintiff was the Managing Editor of the Stanford Law Review; has helped draft and file over forty Supreme Court amicus briefs in his capacity as Chair of the American Bar Association's Amicus Curiae Committee; edited *The American Indian Law Deskbook*, prepared and delivered a paper at the Kremlin comparing the U.S. and Soviet legal systems; participated in a major task force study that issued a publication addressing the process of choosing federal judges; and wrote a series of internal papers on credit risk, interest rate risk, and the mortgage crisis.

112. The University of Missouri's first hire has only one year of law school teaching experience, as a visiting professor at the University of Missouri. Plaintiff also has one year of experience as a visiting professor at the University of Missouri, and Plaintiff has an additional three years of law school teaching experience at the University of Minnesota Law School.

113. The University of Missouri's second hire was hired to teach federal income taxation and partnership taxation, areas in which Plaintiff is an expert.

114. The University of Missouri's posting in the AALS's October 2010 Placement Bulletin expressed a need for a professor with a focus on tax issues.

115. The University of Missouri's second hire is significantly less qualified than Plaintiff for a teaching position.

116. The practical work experience of the University of Missouri's second hire is limited to four years as an associate at a law firm, in an area other than tax law. Plaintiff worked as an associate at a law firm for two years, worked as a partner at three law firms for a total of eleven years (first-chairing numerous trials and appeals), and has nearly two decades of additional experience as a legal practitioner, including service as a state Attorney General and as

the general counsel of three publicly held companies with billions of dollars in assets, where he was responsible for overseeing the companies' regulatory affairs. As Senior Vice President, Law and Public Policy, and Chief Legal Officer of H&R Block, Inc., the largest tax preparation company in the world, Plaintiff was responsible for the company's tax compliance and regulatory issues.

117. The University of Missouri's second hire has no law school teaching experience. Plaintiff has four years of law school teaching experience.

118. On information and belief, the University of Missouri's second hire had no law review publications at the time of the Faculty Recruitment Conference. Plaintiff has extensive scholarly experience in the area of tax law, which includes helping draft and file over forty Supreme Court amicus briefs in his capacity as Chair of the American Bar Association's Amicus Curiae Committee, and litigating *Quill v. North Dakota*, one of the most important tax cases to reach the Supreme Court in the twentieth century. He also wrote a series of internal papers on credit risk, interest rate risk, and the mortgage crisis for the Federal Home Loan Bank System.

119. The University of Missouri's third hire was hired to teach constitutional law, torts, and legislation.

120. The University of Missouri's posting in the AALS's October 2010 Placement Bulletin expressed no need for a professor with a focus on constitutional law, torts, or legislation.

121. The University of Missouri's third hire is significantly less qualified than Plaintiff for a teaching position.

122. The practical work experience of the University of Missouri's third hire is limited to three years as an associate at a law firm. Plaintiff has over thirty years of work experience as a legal practitioner, including as a partner at three law firms, as a state Attorney General, and as

the general counsel of three publicly held companies with billions of dollars in assets.

123. The University of Missouri's third hire has no law school teaching experience. Plaintiff has four years of law school teaching experience.

124. On information and belief, the University of Missouri's third hire had no law review publications at the time of the Faculty Recruitment Conference.

125. The University of Missouri's fourth hire was hired to teach criminal procedure, evidence, and professional responsibility.

126. The University of Missouri's fourth hire is significantly less qualified than Plaintiff for a teaching position.

127. The practical work experience of the University of Missouri's fourth hire is limited to two years as an associate at a law firm. Plaintiff has over thirty years of work experience as a legal practitioner, including as a partner at three law firms, as a state Attorney General, and as the general counsel of three publicly held companies with billions of dollars in assets.

128. The University of Missouri's fourth hire has only three years of law school teaching experience. Plaintiff has four years of law school teaching experience.

129. The University of Missouri's fourth hire clerked on the Second Circuit Court of Appeals. Plaintiff clerked on both the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court.

130. The University of Missouri chose not to hire Plaintiff for a tenure-track teaching position beginning during the 2011-2012 academic year.

131. If the University of Missouri had considered Plaintiff's application based on his qualifications alone and not based on his age, it would have hired him for a tenure-track teaching

position beginning during the 2011-2012 academic year, as he is significantly more qualified for a teaching position than the four individuals the University of Missouri hired for the 2011-2012 academic year.

Defendant the University of California, Hastings College of the Law's 2011 Hiring

132. Defendant the University of California, Hastings College of the Law hired three new professors to begin during the 2011-2012 academic year.

133. On information and belief, all three candidates that U.C. Hastings hired are decades younger than Plaintiff. The first hire graduated from law school in 2000 the second hire graduated from law school in 2006, and the third hire graduated in 2009.

134. U.C. Hastings' first hire was hired to teach business associations and federal securities law, areas in which Plaintiff is an expert.

135. The qualifications of U.C. Hastings' first hire are significantly inferior to Plaintiff's qualifications.

136. U.C. Hastings' first hire did not serve as a law clerk. Plaintiff clerked on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court.

137. The practical work experience of U.C. Hastings' first hire is significantly inferior to Plaintiff's experience, particularly in the area of business associations and securities law since he has only 10 years of practical work experience, as an associate and as a partner at a law firm. Plaintiff worked as an associate at a law firm for two years, worked as a partner at three law firms for a total of eleven years (first-chairing numerous trials and appeals), and has nearly two decades of additional experience as a legal practitioner, including service as a state Attorney General and the general counsel of three publicly held companies with billions of dollars in assets.

138. As Senior Vice President, Law and Public Policy, and Chief Legal Officer of H&R Block, Inc., Plaintiff supervised the company's regulatory compliance issues related to a major subprime lender subsidiary, Option One, and managed risk mitigation, capital markets transactions, and issues related to restatement of financials.

139. As the Executive Vice President, Chief Legal Officer, and Chief Risk Officer of the Federal Home Loan Bank of Des Moines, Plaintiff managed all aspects of the bank's legal affairs, compliance, and strategic, market, credit, and operation risk; oversaw dynamic hedging and asset liability matching strategies for more than \$20 billion in an interest rate sensitive mortgage portfolio; supervised the implementation of SOX processes; managed securities law functions such as SEC public reporting; oversaw regulatory examinations; and served as a liaison with regulators in the wake of the Housing and Economic Recovery Act of 2008.

140. It is particularly crucial for law professors who teach business associations and securities law and related subject matters to have relevant practical work experience, as those areas of expertise are more skills-based and less theoretical than other areas of the law.

141. U.C. Hastings' first hire had three years of law school teaching experience at the time of the Faculty Recruitment Conference.

142. Plaintiff has four years of law school teaching experience.

143. On information and belief, U.C. Hastings' first hire only had two publications at the time of the Faculty Recruitment Conference, one discussing securities regulation and the other discussing a Tenth Circuit decision regarding prayer in the legislature.

144. Plaintiff has extensive scholarly experience in the area of securities and financial regulations, including a series of internal papers on credit risk, interest rate risk, and the mortgage crisis for the Federal Home Loan Bank System. Plaintiff has also helped draft and file

over forty Supreme Court amicus briefs in his capacity as Chair of the American Bar Association's Amicus Curiae Committee, edited *The American Indian Law Deskbook*, and prepared and delivered a paper at the Kremlin comparing the U.S. and Soviet legal systems.

145. U.C. Hastings' second hire was hired to teach courses on financial crises and the regulation of financial institutions, areas in which Plaintiff is an expert.

146. The qualifications of U.C. Hastings' second hire are significantly inferior to Plaintiff's qualifications.

147. U.C. Hastings' second hire served as a law clerk on the Ninth Circuit Court of Appeals. Plaintiff clerked on the United States Court of Appeals for the Eighth Circuit and on the United States Supreme Court.

148. The practical work experience of U.C. Hastings' second hire is limited to less than four years as an associate at a law firm, and is inferior to Plaintiff's work experience in securities law and regulatory issues. Plaintiff has over thirty years of experience as a legal practitioner. He worked as an associate at a law firm for two years, worked as a partner at three law firms for a total of eleven years (first-chairing numerous trials and appeals), and has nearly two decades of additional experience as a legal practitioner, including service as a state Attorney General and as the general counsel of three publicly held companies with billions of dollars in assets, where he was responsible for overseeing the companies' regulatory affairs. As Senior Vice President, Law and Public Policy, and Chief Legal Officer of H&R Block, Inc., Plaintiff supervised the company's regulatory compliance issues related to a major subprime lender subsidiary, Option One, and managed risk mitigation, capital markets transactions, and issues related to restatement of financials.

149. As the Executive Vice President, Chief Legal Officer, and Chief Risk Officer of

the Federal Home Loan Bank of Des Moines, Plaintiff managed all aspects of the bank's legal affairs, compliance, and strategic, market, credit, and operation risk; oversaw dynamic hedging and asset liability matching strategies for more than \$20 billion in an interest rate sensitive mortgage portfolio; supervised the implementation of SOX processes; managed securities law functions such as SEC public reporting; oversaw regulatory examinations; and served as a liaison with regulators in the wake of the Housing and Economic Recovery Act of 2008.

150. It is particularly crucial for law professors who teach securities and regulatory law and related subject matters to have relevant practical work experience, as those areas of expertise are more skills-based and less theoretical than other areas of the law.

151. U.C. Hastings' second hire has only one year of law school teaching experience. Plaintiff has four years of law school teaching experience.

152. On information and belief, U.C. Hastings' second hire had only one scholarly publication at the time of the Faculty Recruitment Conference.

153. Plaintiff has extensive scholarly experience in the area of financial regulations and securities, including having written a series of internal papers on credit risk, interest rate risk, and the mortgage crisis for the Federal Home Loan Bank System. He also helped draft and file over forty Supreme Court amicus briefs in his capacity as Chair of the American Bar Association's Amicus Curiae Committee, edited *The American Indian Law Deskbook*, and prepared and delivered a paper at the Kremlin comparing the U.S. and Soviet legal systems.

154. U.C. Hastings' third hire was hired to teach courses in environmental law.

155. The qualifications of U.C. Hastings' third hire are significantly inferior to those of those of Plaintiff.

156. U.C. Hastings' third hire never clerked. Plaintiff clerked on the United States

Court of Appeals for the Eighth Circuit and on the United States Supreme Court.

157. The practical legal work experience of U.C. Hastings' third hire is limited to less than four years as an environmental legal policy consultant. Prior to receiving his J.D., the third hire's work experience was centered around environmental science, but involved no work related to the practice of law. Plaintiff has over thirty years of experience as a legal practitioner. He worked as an associate at a law firm for two years, worked as a partner at three law firms for a total of eleven years (first-chairing numerous trials and appeals), and has nearly two decades of additional experience as a legal practitioner, including service as a state Attorney General and as the general counsel of three publicly held companies with billions of dollars in assets, where he was responsible for overseeing the companies' regulatory affairs. As Senior Vice President, Law and Public Policy, and Chief Legal Officer of H&R Block, Inc., Plaintiff supervised the company's regulatory compliance issues related to a major subprime lender subsidiary, Option One, and managed risk mitigation, capital markets transactions, and issues related to restatement of financials.

158. U.C. Hastings' third hire had no law school teaching experience at the time of the Faculty Recruitment Conference.

159. Plaintiff has four years of law school teaching experience.

160. On information and belief, U.C. Hastings' third hire had only three legal scholarship publications at the time of the Faculty Recruitment Conference.

161. Plaintiff has extensive scholarly legal writing experience, including having written a series of internal papers on credit risk, interest rate risk, and the mortgage crisis for the Federal Home Loan Bank System. He also helped draft and file over forty Supreme Court amicus briefs in his capacity as Chair of the American Bar Association's Amicus Curiae

Committee, edited *The American Indian Law Deskbook*, and prepared and delivered a paper at the Kremlin comparing the U.S. and Soviet legal systems.

162. U.C. Hastings chose not to interview or hire Plaintiff for a teaching position beginning during the 2011-2012 academic year.

163. If U.C. Hastings had considered Plaintiff's application based on his qualifications alone and not based on his age, it would have granted him an interview at the AALS Faculty Recruitment Conference in Washington, D.C.

164. If U.C. Hastings had considered Plaintiff's application based on his qualifications alone and not based on his age, it would have hired him for either of the two business and securities law teaching positions which it filled.

Defendant Georgetown University Law Center's 2011 Hiring

165. Defendant Georgetown University Law Center hired three new professors to begin during the 2011-2012 academic year.

166. On information and belief, all three of the individuals that Georgetown hired are less qualified and decades younger than Plaintiff. The first hire graduated from law school in 2002, the second hire graduated from law school in 2006, and the third hire graduated from law school in 2004.

167. Georgetown's first hire was hired to teach taxation, an area in which Plaintiff is an expert.

168. The qualifications of Georgetown's first hire are significantly inferior to Plaintiff's qualifications.

169. Georgetown's first hire did not serve as a law clerk. Plaintiff clerked on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court.

170. Georgetown's first hire has less than nine years of practical work experience, as an associate at a law firm and an attorney with the Treasury Department. Plaintiff has decades more experience in far more prestigious and responsible positions than Georgetown's first hire. He has worked as an associate at a law firm with eleven years of experience at the partner level (first-chairing numerous trials and appeals), and nearly two decades of additional experience as a legal practitioner, including service as a state Attorney General and the general counsel of three publicly held companies with billions of dollars in assets. As Senior Vice President, Law and Public Policy, and Chief Legal Officer of H&R Block, Inc., the largest tax preparation company in the world, Plaintiff was responsible for the company's tax compliance and regulatory issues.

171. It is particularly crucial for law professors who teach taxation and related subject matters to have relevant practical work experience, as those areas of expertise are more skills-based and less theoretical than other areas of the law.

172. Georgetown's first hire had no law school teaching experience at the time of the Faculty Recruitment Conference.

173. Plaintiff has four years of law school teaching experience.

174. On information and belief, Georgetown's first hire only had three publications at the time of the Faculty Recruitment Conference.

175. Plaintiff has extensive scholarly experience in the area of tax law, including having argued one of the most groundbreaking tax law cases in the twentieth century before the United States Supreme Court and having helped draft and file over forty Supreme Court amicus briefs in his capacity as Chair of the American Bar Association's Amicus Curiae Committee.

176. Georgetown's second hire was hired to teach taxation and tax policy, areas in which Plaintiff is an expert.

177. Georgetown's second hire is significantly less qualified than Plaintiff for a teaching position.

178. Georgetown's second hire served as a law clerk on the U.S. Court of Appeals for the First Circuit.

179. Plaintiff not only clerked on the United States Court of Appeals for the Eighth Circuit, but additionally clerked on the United States Supreme Court.

180. The practical work experience of Georgetown's second hire is limited to less than five years as an associate at a law firm. Plaintiff worked as an associate at a law firm for two years, worked as a partner at three law firms for a total of eleven years (first-chairing numerous trials and appeals), and has nearly two decades of additional experience as a legal practitioner, including service as a state Attorney General and as the general counsel of three publicly held companies with billions of dollars in assets, where he was responsible for overseeing the companies' regulatory affairs.

181. It is particularly crucial for law professors who teach tax law and related subject matters to have relevant practical work experience, as this area of expertise is more skills-based and less theoretical than other areas of the law.

182. Georgetown's second hire has two years of law school teaching experience. Plaintiff has four years of law school teaching experience.

183. On information and belief, Georgetown's second hire had only one publication at the time of the Faculty Recruitment Conference.

184. Plaintiff has extensive scholarly experience in the area of tax law, including having argued one of the most groundbreaking tax law cases in the twentieth century before the United States Supreme Court and having helped draft and file over forty Supreme Court amicus

briefs in his capacity as Chair of the American Bar Association's Amicus Curiae Committee.

185. Georgetown's third hire teaches courses in administrative law and regulation, both of which are areas in which Plaintiff is an expert.

186. Georgetown's third hire is significantly less qualified than Plaintiff for a teaching position.

187. The practical work experience of Georgetown's third hire is limited to less than five years as an associate at a law firm. Plaintiff has more than thirty years of work experience as a legal practitioner, including as a partner at three law firms, as a state Attorney General, and as the general counsel of three publicly held companies with billions of dollars in assets, where he was responsible for overseeing the companies' regulatory affairs.

188. It is particularly crucial for law professors who teach regulatory law and related subject matters to have relevant practical work experience, as those areas of expertise are more skills-based and less theoretical than other areas of the law.

189. Georgetown's third hire has only one year of law school teaching experience. Plaintiff has four years of law school teaching experience.

190. On information and belief, Georgetown's third hire had only three publications at the time of the Faculty Recruitment Conference, one of which was published while still a student.

191. Plaintiff has extensive scholarly experience in the area of administrative law and the regulatory state, including having helped draft and file over forty Supreme Court amicus briefs in his capacity as Chair of the American Bar Association's Amicus Curiae Committee, and having written a series of internal papers on credit risk, interest rate risk, and the mortgage crisis for the Federal Home Loan Bank System.

192. Georgetown chose not to interview or hire Plaintiff for a teaching position beginning during the 2011-2012 academic year.

193. If Georgetown had considered Plaintiff's application based on his qualifications alone and not based on his age, it would have granted him an interview at the AALS Faculty Recruitment Conference in Washington, D.C.

194. If Georgetown had considered Plaintiff's application based on his qualifications alone and not based on his age, it would have hired him for any one of the teaching positions which it ultimately filled, as he is significantly more qualified for a teaching position than all of the individuals Georgetown hired for teaching positions for the 2011-2012 entry-level academic years.

Defendant the University of Iowa College of Law's 2011 Hiring

195. Defendant the University of Iowa College of Law hired three new professors to begin during the 2011-2012 academic year.

196. On information and belief, all of the individuals that the University of Iowa hired are less qualified and decades younger than Plaintiff. The first hire graduated from law school in 2006, the second hire graduated from law school in 2001, and the third hire graduated from law school in 2005.

197. University of Iowa's posting in the AALS's October 2010 Placement Bulletin stated, "The University of Iowa anticipates hiring several new lateral, visiting, or entry-level faculty members over the coming year. . . . We will consider applicants in a wide variety of subject areas, but we are particularly interested in hiring people with interests in . . . corporations/ securities regulation . . . [and] taxation"

198. The University of Iowa places a particular emphasis on practical experience and

the accomplishments of candidates when hiring law faculty, which is evident from Defendant's posting in the AALS's October 2010 Placement Bulletin, which states, "Appointment and rank will be commensurate with *qualifications and experience*" (emphasis added).

199. The University of Iowa's first hire was hired to teach taxation, an area in which Plaintiff is an expert.

200. The qualifications of the University of Iowa's first hire are significantly inferior to Plaintiff's qualifications.

201. The University of Iowa's first hire did not serve as a law clerk. Plaintiff clerked on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court.

202. The practical work experience of the University of Iowa's first hire is limited to less than four years as an associate at a law firm. Plaintiff worked as an associate at a law firm for two years, worked as a partner at three law firms for a total of eleven years (first-chairing numerous trials and appeals), and has nearly two decades of additional experience as a legal practitioner, including service as a state Attorney General and the general counsel of three publicly held companies with billions of dollars in assets. As Senior Vice President, Law and Public Policy, and Chief Legal Officer of H&R Block, Inc., the largest tax preparation company in the world, Plaintiff was responsible for the company's tax compliance and regulatory issues.

203. It is particularly crucial for law professors who teach taxation and related subject matters to have relevant practical work experience, as those areas of expertise are more skills-based and less theoretical than other areas of the law.

204. The University of Iowa's first hire has only one year of law school teaching experience. Plaintiff has four years of law school teaching experience.

205. On information and belief, the University of Iowa's first hire had only four law review or equivalent publications at the time of the Faculty Recruitment Conference.

206. Plaintiff has extensive scholarly experience in the area of tax law, including having argued one of the most groundbreaking tax law cases in the twentieth century before the United States Supreme Court and having helped draft and file over forty Supreme Court amicus briefs in his capacity as Chair of the American Bar Association's Amicus Curiae Committee.

207. The University of Iowa's first hire was a contributing editor on the University of Michigan Law Review, a less prestigious position than Managing Editor of the Stanford Law Review.

208. The University of Iowa's second hire was hired to teach international law and civil procedure.

209. The University of Iowa's posting in the AALS's October 2010 Placement Bulletin expressed no particular interest in a professor with a focus on international law or civil procedure.

210. The qualifications of the University of Iowa's second hire are significantly inferior to Plaintiff's qualifications.

211. The University of Iowa's second hire served as a law clerk for the Supreme Court of Israel. Plaintiff clerked on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court, both of which are more relevant to teaching at an American university and are more prestigious than clerking in a foreign court.

212. The practical work experience of the University of Iowa's second hire is limited to six years as an associate at a law firm and serving as a consultant or expert for various organizations. Plaintiff worked as an associate at a law firm for two years, worked as a partner at

three law firms for a total of eleven years (first-chairing numerous trials and appeals), and has nearly two decades of additional experience as a legal practitioner, including service as a state Attorney General and as the general counsel of three publicly held companies with billions of dollars in assets, where he was responsible for overseeing the companies' regulatory affairs.

213. The University of Iowa's second hire has two years of law school teaching experience. Plaintiff has four years of law school teaching experience.

214. On information and belief, the University of Iowa's second hire had only five publications at the time of the Faculty Recruitment Conference.

215. Plaintiff has extensive scholarly writing experience, including having helped draft and file over forty Supreme Court amicus briefs in his capacity as Chair of the American Bar Association's Amicus Curiae Committee, edited *The American Indian Law Deskbook*, and having written a series of internal papers on credit risk, interest rate risk, and the mortgage crisis for the Federal Home Loan Bank System.

216. The University of Iowa's third hire was hired to teach patent law.

217. The qualifications of the University of Iowa's third hire are significantly inferior to Plaintiff's qualifications.

218. The University of Iowa's third hire served as a law clerk on the U.S. Court of Appeals for the Federal Circuit. Plaintiff not only clerked on the United States Court of Appeals for the Eighth Circuit, but additionally clerked on the United States Supreme Court, which is more prestigious than the Federal Circuit Court of Appeals.

219. The University of Iowa's third hire has only six years of work experience as a legal practitioner. Plaintiff has over 30 years of work experience as a legal practitioner, including as a partner at three law firms, as a state Attorney General, and as the general counsel

of three publicly held companies with billions of dollars in assets.

220. The University of Iowa's third hire has only one year of law school teaching experience. Plaintiff has four years of law school teaching experience.

221. The University of Iowa's third hire was only a member of the University of Chicago Law Review, a less prestigious position than Managing Editor of the Stanford Law Review.

222. On information and belief, the University of Iowa's third hire writes for a blog and had only four law review or legal journal publications at the time of the Faculty Recruitment Conference.

223. Plaintiff has extensive scholarly writing experience, having helped draft and file over forty Supreme Court amicus briefs in his capacity as Chair of the American Bar Association's Amicus Curiae Committee and having written a series of internal papers on credit risk, interest rate risk, and the mortgage crisis for the Federal Home Loan Bank System.

224. The University of Iowa chose not to interview or hire Plaintiff for a teaching position beginning during the 2011-2012 academic year.

225. If the University of Iowa had considered Plaintiff's application based on his qualifications alone and not based on his age, it would have granted him an interview at the AALS Faculty Recruitment Conference in Washington, D.C.

226. If the University of Iowa had considered Plaintiff's application based on his qualifications alone and not based on his age, it would have hired him for any one of the teaching positions for which it hired.

Defendant the University of Maryland's 2011 Hiring

227. The University of Maryland School of Law's three 2011 hires are all significantly

less qualified than Plaintiff, and on information and belief, are decades younger than Plaintiff. The first hire graduated from law school in 2004, the second hire graduated from law school in 2009, and third graduated in 1994.

228. Defendant the University of Maryland's first hire was hired to teach contracts and securities regulation, areas in which Plaintiff is an expert.

229. The qualifications of the University of Maryland's first hire are significantly inferior to Plaintiff's qualifications.

230. The University of Maryland's first hire served as a law clerk on the D.C. Circuit Court of Appeals. Plaintiff clerked on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court.

231. The practical work experience of the University of Maryland's first hire is limited to less than four years as an associate at a law firm, most of that time at a Slovenian firm practicing in business matters governed by European and international law. Plaintiff worked as an associate at a law firm for two years, worked as a partner at three law firms for a total of eleven years (first-chairing numerous trials and appeals), and has nearly two decades of additional experience as a practitioner in the American legal system, including service as a state Attorney General and the general counsel of three publicly held companies with billions of dollars in assets. As Senior Vice President, Law and Public Policy, and Chief Legal Officer of H&R Block, Inc., the largest tax preparation company in the world, Plaintiff was responsible for the company's tax compliance and regulatory issues.

232. It is particularly crucial for law professors who teach securities and business law and related subject matters to have relevant practical work experience in the American regulatory system.

233. The University of Maryland's first hire has no law school teaching experience. Plaintiff has four years of law school teaching experience.

234. On information and belief, the University of Maryland's first hire had published six law review publications at the time of the Faculty Recruitment Conference.

235. Plaintiff has extensive scholarly experience in the area of securities and business law, financial regulations, and securities, including having written a series of internal papers on credit risk, interest rate risk, and the mortgage crisis for the Federal Home Loan Bank System. He also helped draft and file over forty Supreme Court amicus briefs in his capacity as Chair of the American Bar Association's Amicus Curiae Committee, edited *The American Indian Law Deskbook*, and prepared and delivered a paper at the Kremlin comparing the U.S. and Soviet legal systems

236. The University of Maryland's second hire was hired to teach civil procedure.

237. The qualifications of the University of Maryland's second hire are significantly inferior to Plaintiff's qualifications.

238. The University of Maryland's second hire served as a law clerk for the Fifth Circuit Court of Appeals. Plaintiff clerked on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court.

239. The practical work experience of the University of Maryland's second hire is limited to a total of six years, as an associate at a law firm, of counsel at a second firm, and serving as a litigation strategist for a public defender service. Plaintiff worked as an associate at a law firm for two years, worked as a partner at three law firms for a total of eleven years (first-chairing numerous trials and appeals), and has nearly two decades of additional experience as a legal practitioner, including service as a state Attorney General and as the general counsel of

three publicly held companies with billions of dollars in assets, where he was responsible for overseeing the companies' regulatory affairs.

240. The University of Maryland's second hire has three years of law school teaching experience. Plaintiff has four years of law school teaching experience.

241. The University of Maryland's second hire was an articles editor on his law school's law review, a less prestigious position than Managing Editor of the Stanford Law Review.

242. On information and belief, the University of Maryland's second hire had only published five law review articles at the time of the Faculty Recruitment Conference.

243. Plaintiff has extensive scholarly writing experience, including having helped draft and file over forty Supreme Court amicus briefs in his capacity as Chair of the American Bar Association's Amicus Curiae Committee, edited *The American Indian Law Deskbook*, and having written a series of internal papers on credit risk, interest rate risk, and the mortgage crisis for the Federal Home Loan Bank System.

244. The University of Maryland's third hire was hired to teach civil procedure, complex litigation and anti-discrimination law.

245. The University of Maryland's third hire is significantly less qualified than Plaintiff.

246. The University of Maryland's third hire never clerked. Plaintiff clerked on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court.

247. The University of Maryland's third hire has fourteen years of experience as a practitioner, comprised of serving as an associate, a public interest litigator, and a partner at a law firm. Plaintiff worked as an associate at a law firm for two years, worked as a partner at

three law firms for a total of eleven years (first-chairing numerous trials and appeals), and has nearly two decades of additional experience as a legal practitioner, including service as a state Attorney General and as the general counsel of three publicly held companies with billions of dollars in assets, where he was responsible for overseeing the companies' regulatory affairs.

248. The University of Maryland's third hire has one year of law school teaching experience. Plaintiff has four years of law school teaching experience.

249. On information and belief, the University of Maryland's third hire had only published four law review articles at the time of the Faculty Recruitment Conference.

250. Plaintiff has extensive scholarly writing experience, including having helped draft and file over forty Supreme Court amicus briefs in his capacity as Chair of the American Bar Association's Amicus Curiae Committee, edited *The American Indian Law Deskbook*, and having written a series of internal papers on credit risk, interest rate risk, and the mortgage crisis for the Federal Home Loan Bank System.

251. If the University of Maryland had considered Plaintiff's application based on his qualifications alone and not based on his age, it would have granted him an interview at the AALS Faculty Recruitment Conference in Washington, D.C.

252. If the University of Maryland had considered Plaintiff's application based on his qualifications alone and not based on his age, it would have hired him for any one of the teaching positions for which it hired.

COUNT I

Defendant Michigan State University College of Law Violated the Age Discrimination in Employment Act by Not Hiring Plaintiff

253. The foregoing paragraphs are incorporated by reference as if fully set out herein.

254. Defendant Michigan State University College of Law refused to interview or hire

Plaintiff because of his age in violation of the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*

255. Michigan State knew, based on Plaintiff's application, that Plaintiff was over forty years old.

256. Michigan State knew, based on the successful candidates' applications, that Plaintiff was older than the applicants to whom it granted interviews and extended employment offers for the 2011-2012 academic year.

257. Plaintiff's qualifications are significantly superior to those of all three successful applicants.

258. Michigan State denied Plaintiff a job interview and a job offer because of his age by giving less weight to its core criteria as stated in the Placement Bulletin ("academic record[], demonstrated teaching ability or relevant work experience, and . . . established record of scholarly achievement") and on its website ("experienced professionals whose mission is to provide MSU Law students with a practical legal education") when considering Plaintiff's application than when considering the applications of similarly situated younger applicants.

259. Plaintiff was more qualified than or as qualified as Michigan State's first hire for a teaching position at Michigan State. On information and belief, the first hire did not serve as a law clerk, had less than three years of practical work experience, had only two years of law school teaching experience, and had no scholarly experience in the area of tax law. Plaintiff served as a law clerk on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court, has over thirty years of practical work experience, has four years of law school teaching experience, and has extensive scholarly experience in the area of tax law.

260. Plaintiff was more qualified than or as qualified as Michigan State's second hire

for a teaching position at Michigan State. On information and belief, the second hire served as a law clerk on a less prestigious court than Plaintiff, had only five years of practical work experience, had only three years of law school teaching experience, and had no scholarly experience in the area of administrative law and the regulatory state. Plaintiff served as a law clerk on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court, has over thirty years of practical work experience, has four years of law school teaching experience, and has extensive scholarly experience in the area of administrative law and the regulatory state.

261. Plaintiff was more qualified than or as qualified as Michigan State's third hire for a teaching position at Michigan State. On information and belief, the third hire did not serve as a law clerk, had no practical work experience, and had no law school teaching experience. Plaintiff served as a law clerk on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court, has over thirty years of practical work experience, and has four years of law school teaching experience.

COUNT II

Defendant Joan W. Howarth Violated the Age Discrimination in Employment Act by Not Hiring Plaintiff

262. The foregoing paragraphs are incorporated by reference as if fully set out herein.

263. Defendant Joan W. Howarth, Dean of the Michigan State University College of Law, had final authority over the decision not to hire Plaintiff for a teaching position at Michigan State.

264. By making the final decision not to hire Plaintiff for a teaching position at Michigan State because of his age, and instead to hire three other candidates who were younger and less qualified than Plaintiff, Defendant Dean Howarth violated the Age Discrimination in

Employment Act, 29 U.S.C. § 621 *et seq.*

COUNT III

Defendant the University of Missouri School of Law Violated the Age Discrimination in Employment Act by Not Hiring Plaintiff

265. The foregoing paragraphs are incorporated by reference as if fully set out herein.

266. Defendant the University of Missouri School of Law refused to hire Plaintiff because of his age in violation of the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*

267. The University of Missouri knew that Plaintiff was over forty years old.

268. The University of Missouri knew, based on the successful candidates' applications, that Plaintiff was older than the applicants to whom it granted interviews and extended employment offers for the 2011-2012 academic year.

269. The University of Missouri denied Plaintiff a job offer because of his age by giving less weight to its core criteria as stated in the Placement Bulletin ("Candidates must have a strong academic record and either legal practice experience or advanced academic training"), and the subject areas Missouri stated were its hiring priorities ("We have particular needs in the areas of corporate law . . . and tax") when considering Plaintiff's application than when considering the applications of similarly situated younger applicants, whose credentials were significantly inferior to Plaintiff's.

270. Plaintiff was more qualified than or as qualified as the University of Missouri's first hire for a teaching position at the University of Missouri. On information and belief, the first hire did not serve as a law clerk, had no practical work experience, and had only one year of law school teaching experience. Plaintiff served as a law clerk on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court, has over thirty years of

practical work experience, has four years of law school teaching experience, and has more scholarly experience than the University of Missouri's first hire.

271. Plaintiff was more qualified than or as qualified as the University of Missouri's second hire for a teaching position at the University of Missouri. On information and belief, the second hire had only four years of practical work experience in an area other than tax law, had no law school teaching experience, and had no scholarly experience in the area of tax law. Plaintiff has over thirty years of practical work experience, has four years of law school teaching experience, and has extensive scholarly experience in the area of tax law.

272. Plaintiff was more qualified than or as qualified as the University of Missouri's third hire for a teaching position at the University of Missouri. On information and belief, the third hire had no practical work experience and no law school teaching experience. Plaintiff has over thirty years of practical work experience and has four years of law school teaching experience.

273. Plaintiff was more qualified than or as qualified as the University of Missouri's fourth hire for a teaching position at the University of Missouri. On information and belief, the fourth hire clerked on a less prestigious court than Plaintiff, had only two years of practical work experience, and had only three years of law school teaching experience. Plaintiff served as a law clerk on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court, has over thirty years of practical work experience, and has four years of law school teaching experience.

COUNT IV

Defendant Brady J. Deaton Violated the Age Discrimination in Employment Act by Not Hiring Plaintiff

274. The foregoing paragraphs are incorporated by reference as if fully set out herein.

275. Defendant Brady J. Deaton, Chancellor of the University of Missouri, had final authority over the decision not to hire Plaintiff for a teaching position at the University of Missouri.

276. By making the final decision not to hire Plaintiff for a teaching position at the University of Missouri because of his age, and instead to hire four other candidates who were younger and less qualified than Plaintiff, Defendant Chancellor Deaton violated the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*

COUNT V

Defendant the University of California, Hastings College of the Law Violated the Age Discrimination in Employment Act by Not Hiring Plaintiff

277. The foregoing paragraphs are incorporated by reference as if fully set out herein.

278. Defendant the University of California, Hastings College of the Law refused to interview or hire Plaintiff because of his age in violation of the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*

279. U.C. Hastings knew, based on Plaintiff's application, that Plaintiff was more than forty years old.

280. U.C. Hastings knew, based on the successful candidates' applications, that Plaintiff was older than the applicants to whom it granted interviews and extended employment offers for the 2011-2012 academic year.

281. Plaintiff was more qualified than or as qualified as U.C. Hastings' first hire for a teaching position at U.C. Hastings. On information and belief, the first hire did not serve as a law clerk, had only ten years of practical work experience, had only three years of law school teaching experience, and had minimal scholarly experience in the area of securities law. Plaintiff served as a law clerk on the United States Court of Appeals for the Eighth Circuit and the United

States Supreme Court, has over thirty years of practical work experience, has four years of law school teaching experience, and has extensive scholarly experience in the area of securities law.

282. Plaintiff was more qualified than or as qualified as U.C. Hastings' second hire for a teaching position at U.C. Hastings. On information and belief, the second hire clerked on a less prestigious court than Plaintiff, had less than four years of practical work experience, had only one year of law school teaching experience, and had minimal scholarly experience concerning the regulation of financial institutions. Plaintiff served as a law clerk on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court, has over thirty years of practical work experience, has four years of law school teaching experience, and has extensive scholarly experience concerning the regulation of financial institutions.

283. Plaintiff was more qualified than or as qualified as U.C. Hastings' third hire for a teaching position at U.C. Hastings. On information and belief, the third hire did not serve as a law clerk, had less than four years of practical work experience, and had no law school teaching experience. Plaintiff served as a law clerk on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court, has over thirty years of practical work experience, and has four years of law school teaching experience.

COUNT VI

Defendant Frank H. Wu Violated the Age Discrimination in Employment Act by Not Hiring Plaintiff

284. The foregoing paragraphs are incorporated by reference as if fully set out herein.

285. Defendant Frank H. Wu, Chancellor and Dean of the University of California, Hastings College of the Law, had final authority over the decision not to hire Plaintiff for a teaching position at the University of California, Hastings College of the Law.

286. By making the final decision not to hire Plaintiff for a teaching position at the

University of California, Hastings College of the Law because of his age, and instead to hire three other candidates who were younger and less qualified than Plaintiff, Defendant Chancellor and Dean Wu violated the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*

COUNT VII

Defendant Georgetown University Law Center Violated the Age Discrimination in Employment Act and the District of Columbia Human Rights Act by Not Hiring Plaintiff

287. The foregoing paragraphs are incorporated by reference as if fully set out herein.

288. Defendant Georgetown University Law Center refused to interview or hire Plaintiff because of his age in violation of the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*, and the District of Columbia Human Rights Act, D.C. CODE § 2-1401.01 *et seq.*

289. Georgetown knew, based on Plaintiff's application, that Plaintiff was more than forty years old.

290. Georgetown knew, based on the successful candidates' applications, that Plaintiff was older than the applicants to whom it granted interviews and extended employment offers for entry-level teaching positions during the 2011-2012 academic year.

291. Plaintiff was more qualified than or as qualified as Georgetown's first hire for a teaching position at Georgetown. On information and belief, the first hire did not serve as a law clerk, had less than nine years of practical work experience, had no law school teaching experience, and had minimal scholarly experience in the area of taxation and tax policy. Plaintiff served as a law clerk on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court, has over thirty years of practical work experience, has four years of law school teaching experience, and has extensive scholarly experience in the area of taxation and tax policy.

292. Plaintiff was more qualified than or as qualified as Georgetown's second hire for

a teaching position at Georgetown. On information and belief, the second hire clerked on a less prestigious court than Plaintiff, had less than five years of practical work experience, had only two years of law school teaching experience, and had minimal scholarly experience in the area of tax law. Plaintiff served as a law clerk on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court, has over thirty years of practical work experience, has four years of law school teaching experience, and has extensive scholarly experience in the area of tax law.

293. Plaintiff was more qualified than or as qualified as Georgetown's third hire for a teaching position at Georgetown. On information and belief, the third hire had less than five years of practical work experience, had only one year of law school teaching experience, and had minimal scholarly experience in the area of administrative law. Plaintiff has over thirty years of practical work experience, has four years of law school teaching experience, and has extensive scholarly experience in the area of administrative law.

COUNT VIII

Defendant the University of Iowa College of Law Violated the Age Discrimination in Employment Act by Not Hiring Plaintiff

294. The foregoing paragraphs are incorporated by reference as if fully set out herein.

295. The University of Iowa refused to interview or hire Plaintiff because of his age in violation of the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*

296. The University of Iowa knew, based on Plaintiff's application, that Plaintiff was over forty years old.

297. The University of Iowa knew, based on the successful candidates' applications, that Plaintiff was older than the applicants to whom it granted interviews and extended employment offers for the 2011-2012 academic year.

298. Plaintiff was more qualified than or as qualified as the University of Iowa's first hire for a teaching position at the University of Iowa. On information and belief, the first hire served in a less prestigious editorial position than Plaintiff, did not serve as a law clerk, had less than four years of practical work experience, had only one year of law school teaching experience, and had minimal scholarly experience in the area of tax law. Plaintiff served as a law clerk on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court, has over thirty years of practical work experience, has four years of law school teaching experience, and has extensive scholarly experience in the area of tax law.

299. Plaintiff was more qualified than or as qualified as the University of Iowa's second hire for a teaching position at the University of Iowa. On information and belief, the second hire clerked on a less prestigious court than Plaintiff, had only six years of practical work experience, and had less than two years of law school teaching experience. Plaintiff served as a law clerk on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court, has over thirty years of practical work experience, and has four years of law school teaching experience.

300. Plaintiff was more qualified than or as qualified as the University of Iowa's third hire for a teaching position at the University of Iowa. On information and belief, the third hire served in a less prestigious editorial position and clerked on a less prestigious court than Plaintiff, had only six years of practical work experience, and had only one year of law school teaching experience. Plaintiff served as a law clerk on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court, has over thirty years of practical work experience, and has four years of law school teaching experience.

COUNT IX

**Defendant Sally Mason Violated the
Age Discrimination in Employment Act by Not Hiring Plaintiff**

301. The foregoing paragraphs are incorporated by reference as if fully set out herein.

302. Defendant Sally Mason, President of the University of Iowa, had final authority over the decision not to hire Plaintiff for a teaching position at the University of Iowa College of Law.

303. By making the final decision not to hire Plaintiff for a teaching position at the University of Iowa College of Law because of his age, and instead to hire three other candidates who were younger and less qualified than Plaintiff, Defendant President Mason violated the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*

COUNT X

**Defendant the University of Maryland School of Law Violated the
Age Discrimination in Employment Act by Not Hiring Plaintiff**

304. The foregoing paragraphs are incorporated by reference as if fully set out herein.

305. The University of Maryland refused to interview or hire Plaintiff because of his age in violation of the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*

306. The University of Maryland knew, based on Plaintiff's application, that Plaintiff was more than forty years old.

307. The University of Maryland knew, based on the successful candidates' applications, that Plaintiff was older than the applicants to whom it granted interviews and extended employment offers for the 2011-2012 academic year.

308. Plaintiff was more qualified than or as qualified as the University of Maryland's first hire for a teaching position at the University of Maryland. On information and belief, the

first hire clerked on a less prestigious court than Plaintiff, had less than four years of practical work experience, had no law school teaching experience, and had minimal scholarly experience in the area of securities regulation. Plaintiff served as a law clerk on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court, has over thirty years of practical work experience, has four years of law school teaching experience, and has extensive scholarly experience in the area of securities regulation.

309. Plaintiff was more qualified than or as qualified as the University of Maryland's second hire for a teaching position at the University of Maryland. On information and belief, the second hire served in a less prestigious editorial position than Plaintiff, clerked on a less prestigious court than Plaintiff, had only six years of practical work experience, and had only three years of law school teaching experience. Plaintiff served as a law clerk on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court, has over thirty years of practical work experience, and has four years of law school teaching experience.

310. Plaintiff was more qualified than or as qualified as the University of Maryland's third hire for a teaching position at the University of Maryland. On information and belief, the third hire did not serve as a law clerk, had only fourteen years of practical work experience, and had only one year of law school teaching experience. Plaintiff served as a law clerk on the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court, has over thirty years of practical work experience, and has four years of law school teaching experience.

COUNT XI

Defendant Wallace D. Loh Violated the Age Discrimination in Employment Act by Not Hiring Plaintiff

311. The foregoing paragraphs are incorporated by reference as if fully set out herein.

312. Defendant Wallace D. Loh, President of the University of Maryland, had final authority over the decision not to hire Plaintiff for a teaching position at the University of Maryland School of Law.

313. By making the final decision not to hire Plaintiff for a teaching position at the University of Maryland School of Law because of his age, and instead to hire three other candidates who were younger and less qualified than Plaintiff, Defendant President Loh violated the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*

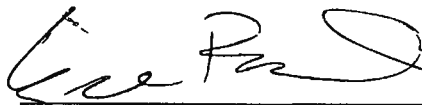
Prayer for Relief

WHEREFORE, Plaintiff Nicholas Spaeth respectfully requests that this Court grant him the following relief:

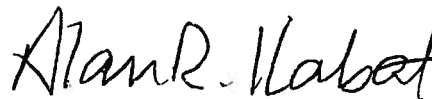
- A. An injunction ordering each Defendant institution to offer Plaintiff a tenure-track teaching position;
- B. A declaratory judgment that the Michigan State University College of Law; Joan W. Howarth, Dean of the Michigan State University College of Law; the University of Missouri School of Law; Brady J. Deaton, Chancellor of the University of Missouri; the University of California, Hastings College of the Law; Frank H. Wu, Chancellor and Dean of the University of California, Hastings College of the Law; Georgetown University Law Center; the University of Iowa College of Law; Sally Mason, President of the University of Iowa; the University of Maryland School of Law; and Wallace D. Loh, President of the University of Maryland discriminated against Plaintiff on the basis of his age;

- C. Compensation for future lost wages and benefits suffered by Plaintiff because he was not hired for a tenure-track teaching position;
- D. Exemplary damages;
- E. Other compensatory damages;
- F. Attorneys' fees and costs;
- G. Pre- and post-judgment interest; and
- H. Such other relief as law and justice allow.

Respectfully submitted,



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Attorneys for Plaintiff Nicholas Spaeth

Dated: November 7, 2011

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NICHOLAS SPAETH,
818 West 56th Street,
Kansas City, MO 64113,

Plaintiff,

v.

Civil Action No. 11-1376 (ESH)

MICHIGAN STATE UNIVERSITY
COLLEGE OF LAW,
368 Law College Building,
East Lansing, MI 48824,

JOAN W. HOWARTH, DEAN,
MICHIGAN STATE UNIVERSITY
COLLEGE OF LAW,
368 Law College Building,
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UNIVERSITY OF MISSOURI, d/b/a
UNIVERSITY OF MISSOURI
SCHOOL OF LAW,
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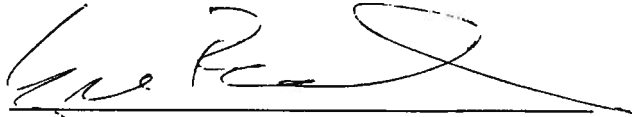
FRANK H. WU, CHANCELLOR AND DEAN,
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Washington, D.C. 20007,)
)
BOARD OF REGENTS, STATE OF IOWA,)
d/b/a UNIVERSITY OF IOWA)
COLLEGE OF LAW,)
11260 Aurora Avenue,)
Urbandale, IA 50322,)
)
SALLY MASON, PRESIDENT,)
UNIVERSITY OF IOWA,)
101 Jessup Hall,)
Iowa City, IA 52242,)
)
BOARD OF REGENTS,)
UNIVERSITY SYSTEM OF MARYLAND,)
d/b/a UNIVERSITY OF MARYLAND)
SCHOOL OF LAW,)
3300 Metzertott Road,)
Adelphi, MD 20703, and)
)
WALLACE D. LOH, PRESIDENT,)
UNIVERSITY OF MARYLAND,)
1101 Main Administration Building,)
College Park, MD 20742,)
)
Defendants.)
_____)

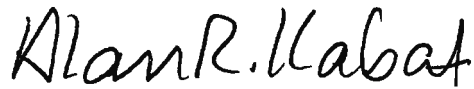
PLAINTIFF'S JURY DEMAND

Plaintiff Nicholas Spaeth, through undersigned counsel, demands a jury trial on all issues so triable.

Respectfully submitted,



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DATED: November 7, 2011