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Today, Robert (a.k.a. “Bobby”) Davis and Mike Lang have filed a defamation lawsuit against Syracuse Basketball Coach James Boenheim and Syracuse University in the Supreme Court in the State of New York, County of New York.

Bobby Davis is 39 years old. Mike Lang is Bobby’s step-brother and he is 5 ½ years older than Bobby. James Boenheim is the head coach of the Syracuse University Men’s Basketball Team, a position that he has held since 1976. He is therefore an employee of Syracuse University.

From the time that Bobby Davis was 11 years old, and continuing for almost two decades, Bobby Davis alleges in his lawsuit that he was regularly sexually abused by Bernie Fine, a senior member of the coaching staff of the Syracuse University Men’s Basketball Team. Mike Lang also alleges in his lawsuit that Fine repeatedly sexually abused him after Fine met him when Lang began delivering newspapers to Fine’s home. Both

men have suffered profoundly from Fine's extended and violent abuse.

Fine, whom Boeheim hired to join the Syracuse Men's Basketball coaching staff in 1976, traded on the prestige and power of the coaching position to gain access to both Bobby Davis and Mike Lang.

Over the past 35 years, Boeheim had hundreds, if not thousands, of opportunities to observe Fine's relationship with boys including by observing his interest in ball boys and had countless opportunities to observe Fine with Bobby Davis, who routinely attended the team's daily practices and games.

On many occasions when Fine brought Bobby Davis along on team trips, Boeheim observed Bobby Davis traveling together with Fine, on the team bus, and after arrival in and around hotel lobbies and common areas. The lawsuit also alleges that on one occasion when Mr. Davis was 15 years old Boeheim saw Bobby Davis lying on the bed in Fine's hotel

room in his shorts.

Beginning in at least 2002, Mr. Davis sought to bring Fine's abuse to the attention of the Syracuse Police Department (The "SPD") and Syracuse University officials. Although Mr. Davis told the police of numerous incidents of abuse that he alleged that he suffered at the hands of Mr. Fine, the police told Mr. Davis that the statute of limitations had run and rushed Mr. Davis off of the phone. As far as we know, the SPD—whose Chief at the time was a former Syracuse basketball player never followed up. Mr. Davis never heard back from them.

In 2005, upon learning that Syracuse had hired a new Chancellor, Mr. Davis sent an email to Chancellor Nancy Cantor informing her that a coach of the men's basketball team had sexually molested and abused him when he - Davis was a child.

In response, an employee from the Syracuse Human Resources Department contacted Mr. Davis asking him to meet with her in Syracuse. Mr. Davis, who was living in Utah at the

time, agreed and purchased a ticket to travel to Syracuse for the meeting. After an approximately 2 hour meeting, during which an individual who did not fully identify himself asked brusque questions with an obviously skeptical tone, Mr. Davis left the meeting. Although the individuals from Syracuse claimed an investigation would ensure they never called or contacted Mr. Davis for a single follow-up question.

Syracuse University hired a law firm but as far as we are aware failed to use any individual with any expertise in childhood sexual abuse. A few months after his meeting, Mr. Davis received a short approximately 3 sentence letter conveying that Syracuse University did not believe that the allegations were founded and that the matter was closed.

Fine continued to be employed by Syracuse from 2005 through 2011 and we believe he continued to recruit ball boys throughout these six years.

Frustrated that he could not get anyone to listen to or credit

his claims, and feeling tremendous guilt that his inability to bring attention to Fine's conduct could be placing other boys at risk Mr. Davis went to the Syracuse Post-Standard in 2002. At the Post-Standard's urging, Mr. Davis recorded a telephone conversation with Fine's wife, Laurie Fine, in which Mrs. Fine appears to concede that she was aware of her husband's abuse of boys. Nevertheless, the Post-Standard declined to publish the story.

After several months, Mr. Davis again tried to expose and stop Fine by contacting ESPN.

In 2003, ESPN visited Mr. Davis in Utah but ultimately did not publish the story at that time.

On November 17, 2011, in the wake of the Penn State sexual abuse scandal, ESPN aired Mr. Davis' and Mr. Lang's story.

At no time has either Bobby Davis or Mike Lang ever

asked anyone for money or compensation in exchange for their statements or reports.

On the day that ESPN aired Mr. Davis' and Mr. Lang's interviews, Chancellor Cantor sent an email to the entire Syracuse community, in which, among other things, she encouraged people to avoid an unfair rush to judgment, "lest a terrible injustice [be] done to an innocent person accused of a heinous crime". In passing she acknowledged that there are also times when a guilty person avoids justice. Although the University placed Fine on administrative leave, Fine continued to be a Syracuse University employee.

Virtually immediately, Boeheim also made public statements as part of his duties as the head coach and on behalf of Syracuse University to a number of local and national media outlets calling Mr. Davis and Mr. Lang liars.

Boeheim's statements impugning the veracity and motivations of Mr. Davis and Mr. Lang were particularly

disturbing given his 35 years of opportunity to observe Fine at close quarters, and at least 7 years of opportunity to see Fine with Bobby Davis on trips, at practices, in Manley field house and at games.

In one interview with the Post-Standard, Boeheim stated “This is alleged to have occurred...what? Twenty years ago? Am I in the right neighborhood? ... So we are supposed to do what? Stop the presses 26 years later? For a false allegation? For what I absolutely believe is a false allegation? I know [Davis] is lying about me seeing him in his hotel room. That’s a lie. If he is going to tell one lie, I am sure there are a few more of them.”¹

When asked in that same interview what Davis’ and Lang’s motivations could be for coming forward, Boeheim stated “The Penn State thing came out and the kid behind this is trying to get

¹ Bud Poliquin, Syracuse Coach Jim Boeheim defends Bernie Fine. Says accuser Bobby Davis is lying, from Syracuse Post-Standard November 18, 2011.

money. He has tried before and now he is trying again... That's what this is about. Money.”

Boeheim made similar statements to ESPN stating “It is a bunch of a thousands of lies that [Davis] has told...he is lying.” Boeheim continued, “I believe they saw what happened at Penn State and they are using ESPN to get money. That is what I believe.” While speaking to ESPN Boeheim also impugned Lang’s honesty (although Boeheim confused the family relationship between Davis and Lang) implying that Lang’s accusations must have been fabricated. Boeheim wondered “You don’t think it is a little funny that his cousin (relative) is coming forward?”²

Over the next few days Boeheim ratified his initial statements to journalists by saying that he “Support[ed] Bernie” and would not take back anything that he had said because “It

² Mike DeCourcy, Jim Boeheim risks everything to defend his friend, Sporting news, November 18, 2011.

was the right statement”.

Boeheim’s statements unequivocally conveyed that Davis and Lang were falsely accusing Fine of sexually molesting minors. A false accusation, particularly when reported to the police and to the school itself, would be a crime in New York. (N.Y. Penal Law Section 240.50.)

Although Boeheim eventually acknowledged that he “misspoke”, those words came too little too late. One of Syracuse’s most respected individuals had already told the world repeatedly that Bobby Davis and Mike Lang were nothing but liars and out for money and nothing else.

Boeheim has not suffered any consequences in his employment for using his position of power within the University to make these false inflammatory and injurious statements about Bobby and Mike. Syracuse continues to employ Boeheim and has not even publicly admonished him for his untrue statements.

Bobby and Mike had sought the attention of the press not to insert themselves into a public debate but because every private avenue Bobby Davis had attempted to use to bring Fine to the attention of the police and the University had proven fruitless.

As a result of Boeheim's false statements about them Bobby and Mike now find it necessary to file a defamation lawsuit. They are seeking special compensatory and punitive damages according to proof at trial.³

We believe that both Bobby Davis and Mike Lang are very brave to have come forward in this matter and that they deserve justice in this case.

In the past, the system has failed them. The police failed them by apparently failing to conduct a full investigation and report Bobby's allegations to the District Attorney and the

³ Mr. Davis and Mr. Lang are represented by New York Attorney Mariann Wang and my law firm, Allred, Maroko & Goldberg. I will be filing a motion for admission *Pro Hac Vice* to represent them along with Ms. Wang in this case.

University in 2002. The University failed Bobby by failing to conduct a full investigation by impartial investigators and by failing to report Bobby's allegations to the Syracuse Board of Trustees and to the Syracuse District Attorney.

Finally, Coach Jim Boeheim failed him by using his prestige and authority as coach for the Syracuse University Basketball Team to call Bobby and Mike Lang liars and having his statements attacking their credibility carried by a nationwide media.

Even though Boeheim has since sought to modify his original statements, serious damage has been done to both Bobby and Mike.

It is now time to make both Coach Boeheim and Syracuse University accountable to both Bobby and Mike who have suffered enough.

Bobby and Mike have spoken out in order to try and warn

others of what they reasonably believed was a serious risk of harm to children in the Syracuse community.

They did not deserve to be maligned for their heroic efforts and it is now long overdue for the University to be accountable for its actions and inactions in this matter.

We plan to do everything possible to be supportive of Bobby and Mike and look forward to vindicating their rights in a New York court of law.

We also intend to work with members of New York's Legislature to amend the law to allow cases of sexual abuse to be pursued even if it takes years for a victim to fully confront the childhood sexual abuse.

Gloria Allred and Mariann Wang
Attorneys at Law
Representing
Bobby Davis and Mike Lang
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