

STATE OF ILLINOIS     )  
                                  )  
COUNTY OF COOK     )

Firm ID #55019

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

Lloyd Yates,

Plaintiff

v.

Northwestern University, an Illinois Not-For-  
Profit Corporation

Defendant

Case No.:

PLAINTIFF'S COMPLAINT AT LAW

The Plaintiff, **Lloyd Yates**, through his attorneys, **Levin & Perconti** and **Ben Crump Law**, complains against the Defendant, **Northwestern University ("NU")**, an **Illinois Not-For-Profit Corporation**, and alleges as follows:

FACTS COMMON TO ALL COUNTS

A. PARTIES

1. Plaintiff, **Lloyd Yates**, attended Northwestern University from 2015 through 2018.
2. **Lloyd** was a member of the Northwestern University Football Program from Summer 2015 through Spring 2018.
3. **Lloyd** had been recruited by collegiate football teams since 2013 while he was a student at Oak Park River Forest High School.
4. While in high school, **Lloyd** was a superior athlete and maintained a high academic status.
5. During his college recruitment, **Lloyd** received offers from 6 different universities

to play college football.

6. **Lloyd** was a legacy at Northwestern University as his brother, father and great-grandfather had all attended the school in years past.

7. **Lloyd** made the decision to attend Northwestern University because the university was local, a Big Ten school, his legacy status, and because Northwestern coaches and staff promised **Lloyd** that a football career at Northwestern would lead to future athletic and professional successes which other universities could not provide.

8. Defendant, Northwestern University, is a private, not-for profit, nonsectarian university authorized to do business in the State of Illinois with its principal place of business located at 633 Clark Street, in Evanston, Illinois, Cook County.

9. Defendant Northwestern University operates many programs through the University, including the Northwestern University Football Team.

10. From 2013 through 2023, Pat Fitzgerald, (“Fitz”), was the Head Coach of the Northwestern Football Program and an employee of Northwestern.

11. From 2013 through 2023, Pat Fitzgerald was an agent and/or apparent agent of Northwestern.

12. From 2013 through present, Matt MacPherson, (“Mac”) was an Assistant Coach of the Northwestern Football Program and an employee of Northwestern.

13. From 2013 through present, Matt MacPherson was an agent and/or apparent agent of Northwestern.

14. From 2015 through 2021, Jay Hooten (“Hooten”) was a Coach of the Northwestern Football Program and an employee of Northwestern.

15. From 2015 through 2021, Jay Hooten was an agent and/or apparent agent of

Northwestern.

16. Northwestern University was established in the year 1851.

17. Northwestern represents that its powerful and wide ranging local, national and global alumni network in multiple fields is a considerable benefit to its students and football players.

18. Northwestern advertises the benefits of its alumni network to its incoming students in its admission materials.

19. The name, “Northwestern University,” can carry a lot of weight in students’ athletic and professional careers.

20. Northwestern University has a collegiate football program that participates in the Big Ten Conference.

## **B. TORTIOUS FACTS/ Timeline**

### **I. Hazing is Prevalent in Collegiate Level Sports and College Campuses**

21. Studies have shown that since 1970, there has been at least one hazing-related death on a college campus each year.<sup>1</sup>

22. Additional research has shown that more than 250,000 students were hazed in order to join a collegiate athletic team.<sup>2</sup>

23. College hazing predates back as early as the 18th and 19th centuries.

24. In 1999, the Georgia Southern University baseball team released four of its players due to hazing incidents on the team.<sup>3</sup>

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<sup>1</sup> National Study of Student Hazing, *Hazing in View: Students at Risk*, Dr. Elizabeth Allan and Dr. Mary Madden, 2006 – 2008

<sup>2</sup> <https://hazing.umd.edu/hazing-statistics>

<sup>3</sup> <http://www.espn.com/otl/hazing/list.html>

25. In 2000, The University of Vermont canceled the remainder of their hockey season due to the discovery of hazing incidents performed by members of their team.<sup>4</sup>

26. In 2012, a member of the Florida A&M Marching Band was hazed by other teammates who would use physical acts of violence to haze their teammates.<sup>5</sup>

27. On January 24, 2018, former Michigan State University sports doctor, Larry Nassar, was convicted of sexually abusing more than 150 women athletes.<sup>6</sup>

28. In May of 2019, an independent investigation found that Dr. Richard Strauss had sexually abused at least 177 students and student-athletes during the years of 1978 through 1998, while working as a physician at the Ohio State University.<sup>7</sup>

29. On October 19, 2021, a student at the University of Missouri fell victim to a hazing event by the Phi Gamma Delta fraternity which left him without the ability to walk, talk or see.<sup>8</sup>

30. On November 20, 2021, a business student at Michigan State University was killed as the result of a fraternity hazing.<sup>9</sup>

31. At all times relevant to this complaint, Northwestern University knew or should have known that hazing and sexual abuse have been a longstanding problem within college campuses and collegiate athletic programs.

32. At all times relevant to this complaint, Northwestern University knew of the dangers of hazing events within college campuses and collegiate athletic programs.

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<sup>4</sup> <https://www.nytimes.com/2000/01/15/sports/hockey-vermont-cancels-season-in-player-hazing-scandal.html>

<sup>5</sup> <https://www.tampabay.com/news/humaninterest/recounting-the-deadly-hazing-that-destroyed-famu-bands-reputation/1260765/>

<sup>6</sup> <https://www.cnn.com/2018/01/24/us/larry-nassar-sentencing/index.html>

<sup>7</sup> <https://www.thelantern.com/2021/05/attorney-ben-crump-files-lawsuit-against-ohio-state-on-behalf-of-strauss-victims/>

<sup>8</sup> <https://abc7ny.com/hazing-university-of-missouri-daniel-santulli-fraternity/11941574/>

<sup>9</sup> <https://nypost.com/2022/06/10/3-frat-members-charged-in-hazing-death-of-michigan-state-student/>

33. At all times relevant to this complaint, Northwestern University had an Anti-Hazing Policy.<sup>10</sup>

34. At all times relevant to this complaint, Northwestern University's Anti-Hazing Policy defined hazing as:

- a. "any action taken or situation created, intentionally or unintentionally, whether on or off University premises and whether presented as optional or required, to produce: mental, physical, or emotional discomfort; servitude; degradation; embarrassment; harassment; or ridicule for the purpose of initiation into, affiliation with, or admission to, or as a condition for continued membership in a group, team, or other organization, regardless of an individual's willingness to participate. Acceptance of or consent to an activity on the part of a new member or individual does not justify an individual, organization, or group's sponsorship of the activity".

35. At all times relevant to this complaint, Northwestern University's Anti-Hazing Policy defined specific situations of hazing as:

- b. Any physical abuse expected of or inflicted upon another, including paddling, tattooing, or branding in any form;
- c. Any strenuous physical activity expected of or inflicted upon another, including calisthenics or physical training as punishment;
- d. Creation of excessive fatigue, sleep deprivation, or interference with scholastic activities, including late night work sessions, meetings, or sleepovers;
- e. Physical and psychological shocks, including lineups, berating, verbal abuse, threats, and name calling;
- f. Sexual violations or other required, encouraged, or expected sexual activity, whether actual or simulated;
- g. Prolonged exposure to severe or inclement weather;
- h. Periods of silence or social isolation;
- i. Kidnapping, road trips, abandonment, scavenger hunts, or any other involuntary excursions;
- j. Wearing of uniforms or apparel that is conspicuous and not normally in good taste;

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<sup>10</sup> <https://www.northwestern.edu/hazing-prevention/responsibilities/northwestern-policy.html#:~:text=An%20individual%20who%20makes%20a,alcohol%20or%20use%20of%20drugs>

- k. Engaging in degrading or humiliating games, activities, stunts, or buffoonery; including requiring, encouraging, or expecting individuals to carry, possess, or maintain objects or items;
- l. Requiring or compelling the consumption of liquid (including alcohol), food, drinks, or other substances;
- m. Servitude or placing another in a position of servitude, including requiring, encouraging, or expecting a new member to do the tasks of, or to do tasks for, an experienced member, or to address members with honorary or formal titles;
- n. Taking, withholding, or interfering with an individual's personal property;
- o. Falsely leading an individual or individuals to believe that they will be inducted or initiated by participating in particular activities;
- p. Depriving an individual of any privileges of membership or affiliation to which one is entitled;
- q. Removing, stealing, taking, or damaging public or private property; and
- r. Requiring, encouraging, or expecting individuals to participate in activities that are illegal or unlawful or are not consistent with the group's mission or values or the policies of the University, including the Student Code of Conduct.

36. From 2014 until the present, participation in or knowledge of hazing activities was widespread across football players on Northwestern University's football team.

37. From 2014 until the present, there were significant opportunities for the coaching staff to discover and report the hazing conduct.

38. Prior to 2023, there were no monitors in the football locker room who did not report to the football coaching staff.

39. Prior to 2023, there were no monitors at Camp Kenosha who did not report to the football staff.

40. Prior to 2023, Northwestern University did not have an online reporting tool specifically for student athletes to anonymously report incidents of potential hazing or hazing-related concerns.

41. Prior to 2023, there was no mechanism in place for Northwestern's Athletic

department to utilize the annual student-athlete-survey process to ensure coaches were aware of and acted on student concerns.

## **II. Pre-Commitment, the High School Recruitment Period**

42. Many, if not all, of the players in the Northwestern University football program are only 15, 16 and 17 years old when they embark upon their recruiting journeys with the Northwestern University Wildcat's Football Program ("Wildcats").

43. During recruitment, coaches come to the prospective recruit's hometown, attend and watch hometown games or practices, and meet with the player and their parents or guardians in the recruit's home or at the recruit's high school.

44. Coaches promise the players, parents and guardians that they will be well cared for at NU.

45. Fitz filmed a public service announcement in an effort to combat hazing which stated in part, "when I think about the difficulties that every team has as they welcome new members into their families, one of the big issues that we've seen in college athletics and across the country is the hazing issues, things that we believe here at Northwestern number one is, there is a zero tolerance for hazing. There's no reason why to ever have it."<sup>11</sup>

46. There is no reason to ever have hazing.

47. This kind of presentation was consistent with the presentations that Fitz would give to incoming players and families at their dining room tables in an effort to convince them to attend NU to play football.

48. In reality, the opposite was true.

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49. In the public service announcement, Fitz also said that “I know there’s a lot of initiations and traditions and things of that nature and we had that here back uh frankly when I was a player in some different ways, but you know as societies evolve and as we’ve really thought deep about how we want to welcome our new families members into our programs and into our organizations hazing should have nothing to do with it.”<sup>12</sup>

50. Hazing should have nothing to do with welcoming new members into Northwestern University’s football program.

51. Players in NU’s football program should be given every opportunity that they have to be successful in their initial stages of being a part of the NU football family.

52. NU incoming freshmen are young people coming into a new environment leave their nests, leave their homes and come into a new culture that they have never been a part of.

53. NU incoming freshmen are scared and have different things going through their minds about how this transition is going to be and hazing does not need to be a part of it.

54. Fitz knew or should have known that over time, “initiations” and “traditions” in the Wildcat football program had developed into a culture of violent, intimidating, sexualized abuse and hazing and extreme mental abuse resulting in degradation, humiliation, embarrassment, and at times, causing devastating physical and mental illnesses to individual football players.

55. Players were told that when they were recruited to Northwestern University, they were making “the 40-year decision” and that players would be set for life and there would be doors opened for them beyond football if they joined the team.

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<sup>12</sup> *Id.*



56. During coaching staff visits with players and families, as part of the NU coaching staff's recruitment pitch, coaches would describe a player's commitment to NU as a marriage and a life-long relationship.

57. While many of the athletes in the Northwestern Football Program were offered invitations to play at other prestigious academic institutions, those invitations were turned down because the Northwestern Football Program offers the total package to their prospective players.

58. In addition to home and school visits made by members of the coaching staff, part of the recruiting process involves visits made by high school players to universities.

59. Player visits to universities, including Northwestern, are termed "unofficial visits" or "official visits."

60. During these visits, prospective players and their families are led around by current players and meet with staff and tour the campus and the football facilities offered by Northwestern.

61. The recruitment period was used to glamorize the Northwestern Football Program and to make the recruits believe that they were part of a family.

62. For **Lloyd**, NU started recruiting him during his sophomore year in high school when he was 15 and 16 years old.

63. Recruitment starts with letters and meetings with the high school coach.

64. Coach Matt MacPherson ("Coach Mac") was in charge of the Midwest region and **Lloyd's** recruitment.

65. During Yates' recruitment, Coach Mac visited **Lloyd's** high school, Oak Park River Forest High School, to watch practices and games.

66. During Yates' recruitment, Mac and Fitz came to Lloyd's house to meet with him and his family.

67. Upon information and belief, one of the reasons Coach Mac was impressed with **Lloyd** is that he witnessed **Lloyd** do a trick dunk of a football into a basketball net.

68. During the recruitment period, Lloyd developed a strong sense of trust and confidence in Northwestern University and its football program, which was run by its coaching staff. He came to view the institution as crucial to his future, leading him to place Northwestern University and its football program in a position of authority and influence over him.

### **III. Commitment to Northwestern University and Recruiting Visits**

69. Once players were committed to Northwestern University, players were brought to campus for an official visit where they were brought together with their future teammates.

70. On the unofficial or official visits, the players are first introduced to what will later be learned is a culture of hazing and sexual abuse.

71. There are initially only subtle references to hazing. However, over time, the players become aware of the specific details about what will occur at Camp Kenosha and that something is being planned for them.

72. These concepts are often referenced after the recruit has officially committed to NU, investing significant time, resources, emotional capital and in some cases, a decision they cannot reconsider.

73. Before 2018, pursuant to NCAA rules, a NU football player who decided to transfer to play football at another university would have to sit out for one season before regaining eligibility to play at the transferee university.

74. During the recruiting visits, upperclassmen made mentions to the incoming freshmen of the “running” but kept the details about the “running” vague.

75. In one particular instance, John Doe 1, a minor, was told by upperclassmen that players were subjected to some sort of sexual acts and this left the impression in John Doe 1's mind that he would be held down and forcefully penetrated in his anus by various objects.

76. Recruits were also told of the "Kenosha Rap Battle" and how it was a forced, homoerotic, hazing tradition.

77. Incoming freshman were misled about the safety of the conduct/program and the process of desensitizing them to accepting these activities began during the post-commitment official visit.

78. During their visits, incoming freshman were groomed to believe the conduct they were about to endure during their time as a member of the Northwestern Football Program, was normal.

79. After their visits, if players became apprehensive about their commitment to the Northwestern Football Program, they were faced with an impossible decision, to stay or to leave.

80. At this point, an official commitment has been made, an investment in the athlete's future has started and the consequences for changing his mind are far reaching.

81. If conversations were initiated with the coaching staff about withdrawing a commitment, the players were faced with hostility and threats of revoking scholarships and having their football careers ruined.

82. When Simba Short, ("Short"), verbally committed to NU in February 2015, Fitz told him that his commitment was like a "marriage" and that if Fitz learned that Short was "cheating" on him by speaking to other coaches, he would pull the offer.

83. Those players who withdrew a commitment faced a number of obstacles to join a new team, which included requesting a release from a signed Letter of Intent, and facing the

prospect of finding a new school late in the recruitment period after prior offers from other universities were given to other players once the player had committed to Northwestern.

84. Incoming players were faced with bullying and intimidation to ensure that they were compliant with the activities they would encounter once they became official members of the program.

85. This time period allowed for upperclassmen to groom committed players to thinking that this behavior was justified, acceptable and normal to deter those incoming freshmen from speaking out or standing up to the behaviors.

86. **Lloyd** visited NU on an unofficial visit on December 5, 2014.

87. **Lloyd** visited NU on an unofficial visit on January 16, 2015.

88. When the recruiting period began and through his official visit, **Lloyd** was a minor.

#### **IV. Mental State of College Freshmen Entering Northwestern University**

89. Entering college as a freshman at a prestigious university while also playing on the school's football team as an elite athlete places a young adult in a vulnerable emotional and physical state.

90. This transition involves leaving home for the first time, adjusting to a new environment, and facing serious social, academic, and physical challenges.

91. The transition to elite college sports makes an individual susceptible to emotional manipulation and vulnerability.

92. Moving away from home and being exposed to a different social setting creates feelings of vulnerability and unfamiliarity.

93. The sense of disorientation felt by college freshmen who are elite athletes makes the athlete more susceptible to emotional manipulation by those who offer false comfort or a sense of belonging.

94. The intense social dynamics within college environments can contribute to vulnerability.

95. As a freshman and a member of the football team, an individual encounters social hierarchy, peer pressure, and the desire to fit in.

96. Manipulative individuals can exploit these insecurities to gain influence over the athlete, using their vulnerability to manipulate their emotions or actions.

97. Balancing rigorous academics with athletic commitments can be demanding for a college freshman.

98. The pressure to perform well academically while excelling in sports can leave the individual emotionally drained and susceptible to manipulation.

99. Participating in college football at an elite level involves intense physical training, rigorous schedules, and the risk of injury.

100. These physical demands can lead to fatigue, exhaustion, and heightened emotional vulnerability.

101. These physical demands make college athletes vulnerable to manipulative individuals who exploit this state to exert control, offering support or exploiting the athlete's fear of losing their position on the team.

102. Overall, the combination of leaving home, adjusting to a new environment, facing social pressures, managing academics, and enduring physical challenges can make a college freshman and elite athletes vulnerable to emotional manipulation.

103. Awareness of this vulnerability and support systems in place are crucial to help them navigate these potential pitfalls and ensure their well-being.

104. Coach Fitzgerald himself in his public service announcement spoke on the feelings of being a new college athlete stating that “you’re afraid, you’re scared, you have all these different things going through your mind about just how bad it’s going to be....”<sup>13</sup>

105. Due to all of the factors listed above in paragraphs 87-104 **Lloyd** was particularly vulnerable and susceptible to mental manipulation, physical abuse, and sexual abuse.

#### **V. Normalizing/Desensitizing Athletes to Hazing and Sexual Abuse**

106. Desensitizing an elite college football player to hazing by portraying it as a normal or accepted practice distorts their perception of what constitutes inappropriate behavior.

107. This normalization leads the athlete to believe that hazing is an expected rite of passage or an essential part of team bonding.

108. Consequently, an athlete is less likely to recognize hazing as abusive or report it since it has been ingrained as a regular occurrence.

109. Football teams often emphasize camaraderie and a sense of belonging. If hazing is portrayed as a cultural norm within the team, a player feels compelled to conform in order to be accepted by his peers.

110. The group dynamic present in college football teams exerts significant pressure on the individuals to conform and join, making them less likely to report hazing for fear of being ostracized, labeled as weak, or facing retribution from teammates.

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111. Pre-2021 NCAA transfer rules which required a sit-out year provided universities like Northwestern immense control over its student-athletes, which further deterred players from reporting abusive hazing behavior, out of fear of what would become of their college football careers.

112. Hazing often involves a power differential, with upperclassmen players exerting control over newer members.

113. Once an individual has been desensitized to believe that hazing is acceptable, they are more susceptible to manipulation by those in positions of authority.

114. Hazing creates a power imbalance where victims feel powerless, intimidated, or unable to challenge the perpetrators or report the abuse.

115. Desensitization to hazing instills a fear of consequences for those who speak out.

116. Individuals who are hazed may have witnessed or heard about retaliation against those who reported hazing incidents in the past, leading to a reluctance to come forward.

117. Fear of jeopardizing their position on the team, losing playing time, damaging their reputation, or facing social isolation can deter victims from reporting incidents of hazing or sexual abuse.

118. In the months leading up to the beginning his college career, **Lloyd** was exposed to the normalization of hazing, the group dynamics, power imbalances, and fear of consequences, which made **Lloyd** vulnerable and susceptible to mental manipulation, physical abuse, and sexual abuse.

119. The normalization of hazing, the group dynamics, power imbalances, and fear of consequences that **Lloyd** experienced at NU his freshman year caused him not to recognize that the practices were wrong and should be reported.

**VI. Freshmen arrive to campus and attend Upperclassmen Led, Unsupervised Workouts**

120. In June 2015, **Lloyd** left his home in Oak Park, Illinois and moved into the dorms on campus at NU with the rest of his Freshmen Wildcats.

121. During June of the Freshman season, the Wildcat recruits become students, leaving their homes from across the country and descending upon Northwestern University in Evanston, Illinois which was unfamiliar territory in many ways.

122. During preseason workouts, there were strict rules about how many hours the coaches could practice and supervise the team.

123. Many of the preseason workouts were led by the upperclassmen and the younger players were one-hundred percent reliant on the upperclassmen at this time.

124. During this time, freshman players were exposed to the fear of what was to come during the Camp in Kenosha, Wisconsin.

125. Upperclassmen would tell the new players about the “running” and the “Shrek Squad” during these workouts.

126. These unsupervised workouts would be another opportunity for bullying and intimidation to ensure that the new players did not speak up about the cruel activities that they were about to endure.

127. In the case of John Doe 1, he became outspoken that he was not going to participate in any kind of “running.” As a result, he was put on the top of the “list.” The “list” was both a mental and sometimes physical list of players who needed to be targeted for a running.

128. Because of John Doe 1’s outspoken and aggressive opposition to “running,” the upperclassmen made it known that he was going to be the number one target at Camp.



129. It was well known before Camp Kenosha that anyone who was with John Doe 1 was going to be “ran” hard, ostracizing John Doe 1 from his teammates with whom he was supposed to be bonding and earning trust.

## **VII. College Football Training Camps**

130. In August of each year, all Freshman Wildcats attended training at Camp Kenosha.

131. A freshman college football player who participates in an elite program can experience significant physical and mental exhaustion while enduring a rigorous training camp.

132. The combination of long days, intense physical conditioning, and mentally demanding learning of plays and tactics can contribute to their overall fatigue and strain.

133. During a training camp, freshman college football players in an elite program often experience not only physical exhaustion but also significant mental vulnerabilities due to the demanding nature of the training.

134. Players are isolated from their families and the outside world and surrounded by only Wildcat players and staff.

135. The intense physical conditioning and mental demands of training camp create a high-pressure environment for the players.

136. They are expected to perform at a high level consistently, which can lead to increased stress and anxiety.

137. This pressure can make the players more vulnerable to mental fatigue and emotional vulnerability.

138. Freshman players are required to quickly learn and comprehend intricate playbooks, offensive and defensive schemes, and strategies unique to their team.

139. This mental processing involves memorization, pattern recognition, and quick decision-making.

140. The steep learning curve and the need to perform flawlessly during practices and scrimmages can heighten the players' mental vulnerabilities and increase their susceptibility to exhaustion, and ultimately influence.

141. The training camp serves as a critical evaluation period where players compete for positions and playing time on the team.

142. The pressure to meet coaches' expectations and the fear of failure can create a constant sense of performance anxiety.

143. The need to prove oneself and the fear of disappointing teammates and coaches can further exacerbate mental vulnerabilities during this physically demanding time.

144. Many freshman players are also adjusting to being away from home for the first time.

145. These players are adapting to a new environment and forming new social connections.

146. These personal adjustments, coupled with the demanding training schedule, can contribute to mental fatigue, emotional vulnerability, and a sense of isolation.

147. Players are using all of their physical and emotional energy to get through the intense training camp and need all of the physical and emotional resources their body will allow to complete the camp.

148. Any additional stresses or strains on a player during the two- week training camp can have an adverse impact on a player's performance at camp, making them prone to injury and causing them to underperform, both of which may have a lasting effect on their college football careers and overall physical and emotional well-being.

149. Due to the high-pressure environment, the complex learning system, performance expectations and personal adjustments as outlined in paragraphs 130-148, **Lloyd** was placed in a vulnerable position and was more susceptible to fear of speaking out against the hazing, became compliant with hazing, and forced himself to withstand the mental, physical and sexual abuse that came with the hazing.

#### **VIII. Kenosha, Wisconsin Training Camp**

150. After the initial summer weeks on campus, members of the Northwestern Football Program were required to participate in a camp held in Kenosha, Wisconsin.

151. Players and coaches were lodged in close proximity, such that coaches were in a position to hear noise from the players' section of the dorms.

152. During the Kenosha Camp, **Lloyd** and other members of the Northwestern Football Program expected to participate in physically grueling workouts, conditioning and practices.

153. Players expected to be pushed to their limits physically and mentally as part of conditioning to be part of this prestigious program; however should not have been subjected to hazing as outlined below.

154. **Lloyd** attended Camp Kenosha in August 2015.

##### **a. Shrek Squad**

155. Before the team left for Kenosha, the incoming players were introduced to the "Shrek Squad".

156. New members of the team were required by upperclassmen to watch an animated video of a man who recalls his love of the animated character "Shrek" in which the child's father calls him a homophobic slur and the man recalls that as a nine year old, he had an explicit sexual encounter with "Shrek" in his bedroom.

157. Upper classmen started to make statements that “Shrek is love” and “Shrek is life”, in reference to the bizarre video, to preview to freshmen that they would be meeting the “Shrek Squad” at camp.

158. Freshmen interpreted the references as meaning that they would be subjected to explicit sexual acts.

159. New players believed they would be tormented by the “Shrek Squad” while in Kenosha.

160. The “Shrek Squad” was a large group of players who would wear masks common to horror movies, or animal masks. They would dress with either no shirts or shirts with holes cut out over their nipples. Some would wear thongs.

161. The “Shrek Squad” would flicker the lights, and chant “Shrek is love, Shrek is life” while screaming, clapping and yelling.

162. The “Shrek Squad played “Purge music” and sirens in the dorms at Kenosha.

163. In the movie, “The Purge” a siren is played to kick off 12 hours of mayhem in which all crimes are legal, including murder and assault.

164. When the “Purge music” and sirens would play at Camp Kenosha, it signified that the “Shrek Squad” was on the loose, instilling fear in the freshmen Wildcats that hazing was to begin.

165. The music was loud enough and frequent enough that the coaches would have been able to hear it in their dorm rooms.

166. Frequently, after a night of hazing at Camp Kenosha, the coaching staff would comment and scold the players that they had been too loud the night before.

167. The “Shrek Squad” would go around to various Northwestern Football players’ dorm rooms and torment their victims.

168. The “Shrek Squad” would then pick players up and “run” them.

169. Nonmembers of the “Shrek Squad” were told that if they did not leave their doors unlocked, the “Shrek Squad” would come back the next day and “get them”.

**b. Running**

170. A “run” or “running” consists of a group of players forcibly holding down a non-consenting teammate and rubbing their genital areas against the teammate’s genitals, face, and buttocks while rocking back and forth without consent from the teammate.

171. “Running” was an act performed by one or more players to assert their dominance.

172. Running would happen in many different circumstances at Camp Kenosha. Most ominously, in the dorms.

173. It was well known by the Freshmen Wildcats as threatened by the older Wildcats that you were going to “get ran” at camp.

174. Freshmen Wildcats were encouraged to keep their doors unlocked because upperclassmen Wildcats would be coming to their rooms and “running them.”

175. For those that locked their doors, they were warned that eventually, they would get caught and “ran.”

176. Many Freshman Wildcats left their doors open and took their “runnings” without a fight, believing it was better to give in early than live in constant fear.

177. However, even those who did not resist were not safe from repeated “runnings.”

178. Freshman would remain on the field longer at camp than upper classmen, to learn the fight song.

179. The directive to stay and learn the fight song was enforced by the head Coach Fitz and various assistant coaches of the team to give the older players an advantage and delay the Freshmen Wildcats' arrival back at the dorms.

180. While the freshmen remained on the field, upper classmen would go back to the dorms to prepare for the "running."

181. Freshmen knew that after practice at Camp Kenosha, there were hazing activities awaiting them. Therefore, they would run or sprint back to their dorms to avoid the "Shrek Squad" so they could lock their doors and try to avoid the hazing.

182. Those players who participated in the hazing were hazed themselves as freshman and brought up in the NU culture of hazing to believe that the acts they were engaged in were normal and acceptable. Therefore, they believed that they were hazing at the direction of the University football program and that the hazing would further the ends of the team.

183. During Camp Kenosha in August 2015, for **Lloyd**, he and his roommate locked their doors to avoid being "ran" but were tricked into opening them by the "Shrek Squad."

184. **Lloyd** was lured out into the common area of the dorm at Camp Kenosha in August 2015 by 12-15 upperclassmen.

185. He was "ran" by 12-15 upper classmen.

186. After getting "ran", **Lloyd** heard the upperclassmen declare that they were moving on to their next victim, one of his teammates.

187. Being "ran" caused **Lloyd** to feel embarrassed, ashamed, dehumanized, powerless, dirty and anxious.

188. Coaches would often complain to the players about the loud and noisy evening activities, telling them to “keep it down,” indicating that they could hear the activities occurring on the players’ floor.

189. In the case of John Doe 1, the first evening of camp in August 2015, after spending twelve hours in grueling physical and mental activity, he heard the “purge sirens” signifying that the “Shrek Squad” was on the move.

190. Fear and anxiety was building by the second because John Doe 1 was certain that this meant objects would be forced into his anus by the “Shrek Squad.”

191. Approximately 5-6 upper classmen came into John Doe 1's room and dragged him out into the common area.

192. The men on the “Shrek Squad” were some of the physically biggest men on the team.

193. When John Doe 1 was dragged into the common area, he was surrounded by fifty (50) Wildcats. He escaped and ran toward a wall to put his backside against it, protecting his anus from what he assumed would be anal rape after being threatened by older players’ comments and the “Shrek is life” video.

194. One of the senior players turned on a megaphone to commence the running by announcing that on this day, John Doe 1, was getting ran, acting and gesturing as if it was a moment of historical significance for the team.

195. At the time of his sexual assault in August 2015, John Doe 1 was a minor.

196. John Doe 2 specifically recalls that he was told he had to sell out his own teammates to the upper classmen to get “ran”, or he would be ran, creating a prisoner’s dilemma for the freshman Wildcat.

197. John Doe 2 could choose to turn on a member of his own incoming class and sell out their location to the “Shrek Squad,” otherwise, he was told by the squad, the squad would find him instead and inflict “running” on him.

198. When John Doe 2 accepted the offer to exchange information about his classmates’ whereabouts in exchange for his own freedom, believing he would not be “ran,” he later learned that he was tricked.

199. While John Doe 2 avoided being “ran” at camp, he became the season-long target of “running” on the campus in Evanston.

200. Some players fought back physically against running. To avoid a “running” you would have to elect the largest and most powerful man on the “Shrek Squad” to fight.

201. Fighting off a running might result in punching other players, inflicting harm upon them.

202. If you fought back hard enough, the “Shrek Squad” may decide that you were not worth the effort and leave you alone.

203. This subjected the freshmen Wildcats who decided to vigorously fight back despite serious injuries, jeopardizing their playing time and their future careers.

204. “Running” was used as a form of punishment, conformity, humiliation and a way to “put players in their place” when others felt that they were becoming too cocky or stepping out of line.

205. A “running” would occur while players lobbied or jockeyed for playing time and the “running” was an added distraction and torment that decreased their performance at camp.

206. On more than one occasion, assistant coaches were “ran” by players.



**c. Naked Drills and Events in the Kenosha Locker Room**

207. During their time at the Kenosha Camp, members of the Northwestern Football Program were subject to inappropriate activities within the Kenosha locker room, including but not limited to, the Shrek Clap, naked rope swings, naked pull ups, naked center and quarterback exchange, naked one on one drills, and naked pass rush drill.

208. At the Kenosha Camp, staff was often in close proximity to the locker room either near the ice baths, or Cold Cups which were located outside the locker room.

209. Both the athletic trainers and coaches were frequently right outside of the locker room at these Cold Cups.

210. When stationed at these areas of the facility, the coaches were in close proximity to hear hooting, hollering and rambunctiousness or screaming coming from the locker room.

211. Additionally, while at camp in Kenosha, the coaching staff would walk through the locker room to get to the football field.

212. The naked events commenced with the “Shrek Clap” which was a symbol used to initiate a sexual hazing activity and that someone was going to be stripped naked.

213. A “Shrek Clap” was a clap made over the head of a player that the “Shrek Squad” believed needed to be hazed, starting with an over head clap.

214. On the first day of camp, the entire football team would be clapping in the locker room, leaving the freshman clueless.

215. If the freshman clapped, they would get ran because it was a sign of them being too eager and the upperclassmen felt that they needed to be put back in line.

216. This was used as a way to establish the hierarchy on the team and to force the players to get in line.

217. The hazing would start with slow claps, growing to all team members clapping and then loud chants calling out the lewd acts such as “naked rope swing,” “naked QB center exchange,” “naked blitz pick up” and “naked pull up” with clapping in between.

218. If the player refused to get naked or comply, they would get ran, which they had already been groomed and primed to accept as the ultimate punishment.

219. These chants would have been audible if you were exterior to the building outside the locker room, and most certainly were audible in the hallways, therapy rooms, and adjacent rooms.

220. Once two players were naked, **Lloyd** and other members of the Northwestern Football Program were subject to participating in other events while being fully naked, including but not limited to, naked pull ups, rope swings, one on one drills, pass rushes and more.

221. During his freshman year at camp in August 2015, **Lloyd** was called to do a naked QB center exchange where a naked center freshman Wildcat was bent over with his naked backside and genitals exposed to Yates.

222. Yates felt forced to do the drill, for fear of retaliation and not belonging to the team.

223. During the naked QB center exchange that Yates felt he was forced to do, he was bent over with his backside and genitals exposed to the entire team. Yates’ hands were then positioned under the Center’s genitals and butt while the center snapped the football into Yates’ hands.

224. **Lloyd** suffered extreme embarrassment and humiliation and emotional suffering following this public display.

225. **Lloyd** witnessed other Wildcats be forced to participate in naked events including naked rope swings where a player would be asked to climb a climbing rope in the locker room naked and then slide down, rubbing his genitals against the rope and exposed for all to see.

226. **Lloyd** witnessed naked pull ups whereby a Wildcat was called out to perform pull ups on a pull up bar with his genitals exposed to all.

227. Coach Mac witnessed these incidents of naked pull ups along with other forms of hazing.<sup>14</sup>

228. John Doe 2 was forced to perform a “naked blitz pickup” in the locker room at Kenosha during August 2015. A “naked blitz pickup” involves two players who are completely naked attempting to block, tackle and prevent the other from advancing. Frontal physical contact was necessary to complete the move and both players were completely naked.

**d. “Car Wash”**

229. Most, if not all players, were also subject to the “Car Wash” during their time at the camp in Kenosha.

230. During this event, the larger players would line up in two parallel lines, leaving little room between them, in the middle of the small shower, loudly chanting and singing the song “Car Wash,” a famous song by Rose Royce.

231. The “Car Wash” would consist of anywhere between ten and twenty upperclassmen who stood naked at the entrance to the shower and would lather themselves up with soap. The “Car Wash” Players would squirt soap on the players in the line while they spun in circles.

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<sup>14</sup> <https://www.usatoday.com/story/sports/ncaaf/bigten/2023/07/20/northwestern-associate-head-coach-football-matt-macpherson-witnessed-hazing/70441175007/>

232. New players were forced to strip naked and walk through the middle of the “car wash” in order to get to the showers while being smothered and forced to walk penis to penis or penis to butt with the players in the line.

233. Similar to the “running”, it would be known to the team when there were “Car Wash” days afoot. Older players would leave practice and Freshman would be forced to stay later, being told that they would “see you at the Car Wash” after practice. These threats were made within ear shot of the coaching staff.

234. The “Car Wash” antics were loud and done in the shower at Kenosha that was close enough to the rooms occupied by the training and coaching staff that it would be almost physically impossible for them not to know that the “Car Wash” was taking place.

235. When the carwash was “backed up”, some of the players in the line would urinate on their legs and/or feet.

236. New players became primed that the showers were unsafe and began skipping showers or waiting to shower until everyone was done and gone.

237. At all times relevant to this complaint, coaches and other staff members had an opportunity to observe the behavior that was going on in the locker rooms including the Car Wash.

238. **Warren Miles** was forced to go through the Car Wash during his freshman season at Camp Kenosha in August 2013.

239. **Lloyd** was forced to go through the carwash during his freshman season while at Camp Kenosha in August 2015.

240. While **Lloyd** was in the car wash, his teammates touched his penis and butt with their bodies, and **Lloyd** was forced to touch his teammates’ penises and butts with his body to go through the “Car Wash” to get to the showers.

241. John Doe 2 was forced to go through the car wash each year he attended Camp Kenosha from 2015 through 2019.

e. **“Kenosha Rap Battle” and “Belly Flop Contest”**

242. While in Kenosha WI for camp, members of the Northwestern Football Program were subject to participate in the “Kenosha Rap Battle”.

243. The “Kenosha Rap Battle” was widely talked about on the team and upon information and belief, the coaches of the Northwestern Football Program were aware of the event and were sometimes at the event.

244. **Lloyd** recalls that the members of the Northwestern Football Program were paired up with another player and forced to write degrading and insulting raps about their opponent.

245. John Doe 1 recalls that one requirement of the rap battles was that the players’ last line of their rap must include heterosexual lines and some sort of heterosexual fantasy.

246. **Lloyd** stated that this “Kenosha Rap Battle” was between the freshman and the more sexual, nudity, and derogatory content, the more successful players were in the battles.

247. Upper classmen threatened that whoever lost the “Kenosha Rap Battle” would be “ran” by other teammates.

248. In addition to these events, there was a belly flop contest in the pool for freshman where participation was forced.

249. The belly flop contest was organized and facilitated by the strength coaches.

250. The consequences for losing the belly flop contest was getting “ran” and resistance to participation was met with a threat of “running.” The torment and hazing did not just end at camp as members of the Northwestern Football Program were subject to more forms of torment and hazing even after the regular season commenced.

## **IX. Regular Season**

### **a. "Running"**

251. During a training session during the Fall of 2015 or Spring of 2016, a strength and conditioning coach was "ran" by members of the football team, on the field, in front of the entire team and coaching staff.

252. .During the regular season, most of, if not all players were subject to many instances of hazing and torment such as "running," "Runsgiving/Runsmas", "Gatorade shake challenges," "Bus Two Stories," "Trading Block" and other forced naked acts.

253. During the holidays, upperclassmen held an event called "Runsgiving/Runsmas" where those players who had either yet to be ran or qualified according to the "running" hierarchy would be targeted.

254. Those who got "ran" were often players who were not contributing as meaningfully to the team due to injury or experience.

255. Other players were the target of "running" if they were perceived as too confident, needing to be brought down to an acceptable level of confidence in the older players' eyes.

256. "Runsgiving" occurred around Thanksgiving and "Runsmas" would occur around the time of any bowl games.

257. There was a "runsmith" who would be in charge of running players in the weeks leading up to the bowl game.

258. The upperclassmen created a list of those who had messed up a team activity, talked back, came late to meetings/practice or any other event where the whole team was punished because of one person.

259. Many student athletes who lived too far to travel home remained on campus during the Thanksgiving holiday.

260. The athletes targeted for “runsgiving” were those athletes that remained on campus during the holiday.

261. Similarly, players living out of state were not able to travel home for Christmas or New Years like their classmates when NU was in a bowl game. Classmates who lived closer may be able to escape “Runsmas.” If you remained on campus leading up to the bowl game, you were the target of “Runsmas.”

262. In 2015, there was a disturbing “running” incident of a freshman player who was perceived as overly confident by the upperclassman.

263. After practice, there were makeshift ice baths that had been placed in trash cans after a home game because the team’s ice baths were broken.

264. The baths were dirty and warm by the time this practice occurred and had not been cleaned up from the weekend’s game.

265. Multiple players saw this player being carried into the shower by 10-15 teammates, naked.

266. The teammates dunked him upside down in the ice bath and ran him while he was naked, upside down with his head underwater.

267. Other players witnessing the hazing tried to remain unseen during this incident to avoid becoming victims themselves.

268. When it was over, the other player was clearly struggling physically to breathe.

269. After witnessing this “running” incident, Simba Short suffered from severe emotional stress, and anxiety causing him to run and hide in a closet for an hour.

270. John Doe 2 was also present nearby this incident when he saw the freshman player get dragged naked into the showers.

271. Following this incident, the victimized player reported what occurred to many teammates and the details of the event began to reach many members of the team, instilling fear in **Lloyd** and others that a similar act would be inflicted upon them if they spoke out.

272. In at least two separate incidents with two separate coaches, they were “ran” on the field by players which event was initiated by the players with the “Shrek clap.”

273. Many players spent considerable time and mental energy avoiding entry into the locker room or showers, changing their routines and experiencing anxiety in advance of entering the premises to avoid what they believed were “penitentiary games” that would be played with their bodies if they did not strategically avoid it.

274. During the fall of 2015, **Lloyd** experienced psychological manipulation where he was tricked by a strength coach employed by Northwestern University into disclosing information about his teammates.

275. During the Fall 2015 season, **Lloyd** was a redshirt freshman and often would not travel to away games.

276. Players not traveling to away games would have strength workouts back on campus in Evanston.

277. On one Friday during the fall season, **Lloyd** was working out with strength coach Jay Hooten.

278. Hooten commented that the players were slow and asked Yates if they had been partying the night before. Yates denied that they were. When Hooten continued to press Yates, he



admitted that they had not been out Thursday night but referenced a previous occasion on which partying had ensued as proof that if their performance was impacted it would have been then.

279. Hooten then announced to the players that Yates had “ratted them out” and assigned additional workout exercises to the group.

280. After the workout in the locker room, Yates was “ran”.

281. It was well known throughout the team including the coaching staff that different position groups would get into “running battles.” For example, the defensive backs would get into “running battles” with the receivers where they would each be hunting members of the opposite position group to “run” them.

282. Throughout the year, coaches and staff members have an opportunity to observe the behavior that was going on in the locker rooms.

283. Equipment managers are stationed at an equipment counter right outside the locker room which is located between the training room and the locker room.

284. From the equipment room, one can easily hear and see the ongoing activities within the locker rooms.

285. Equipment managers were often in and out of the locker rooms to collect dirty laundry and other equipment that needed to be cleaned.

286. Additionally, Strength Coaches and athletic trainers were in and out of the locker rooms frequently to assist players with injuries.

287. Further, assistant coaches were often in and out of the locker rooms to retrieve players with whom they needed to address certain issues.

**b. Gatorade Shake Challenge**

288. During the season, upperclassmen would steal protein shakes from the refrigerator and force chosen players to drink as many of them as possible in an allotted amount of time.

289. Many of the players would become sick and vomit from drinking the protein shakes.

290. Gatorade shakes were the most notoriously unpopular protein drinks because they tasted the worst of all the options and were the thickest.

291. The entire team along with the nutritionists employed by the University were aware of the Gatorade shake challenges.

292. The nutritionists would vigorously and loudly monitor the distribution of Gatorade shakes on the days in which these challenges would occur, attempting to block off refrigerators and disallowing players from getting more shakes than reasonable.

293. The nutritionists, employed by NU, knew that there were “Gatorade Shake” hazing challenges occurring on the football team.

294. There would also be days on which these challenges would occur where the inventory of Gatorade shakes in the refrigerator would be completely depleted. This would be abnormal on a regular day.

295. John Doe 2 observed that on the Evanston Campus in preparation for the Music City Bowl which occurred in December 2017 and the Holiday Bowl in December 2018 there were Gatorade Shake Challenges that resulted in freshman Wildcats vomiting, becoming red and sweaty and feeling ill.

**c. Bus 2 stories**

296. Bus 2 was one of the buses that would carry players to a location off campus.

297. There would be players, athletic trainers and occasionally assistant coaches on Bus 2.

298. However, many of the coaches also knew to avoid Bus 2 because of the antics described below.

299. In avoiding Bus 2, coaches knew that hazing antics were occurring.

300. It was well known that those on Bus 2 would be forced by upper classmen to tell highly personal stories on the bus's announcement system including stories of their sexual exploits.

301. It was expected that the stories would involve wild and frequent sexual experiences with other Northwestern University students. Some of these stories were likely fabricated to gain favor with teammates.

302. The punishment for telling a Bus 2 story that was not vivid, vile or sexually explicit enough was that you would get "ran."

**d. The Trading Block**

303. "The Trading Block" was an event that occurred more than once a year where the entire team including coaching and training staff gathered in a large room for dinner.

304. Players sat with their position groups and coaches sat together.

305. Each group took turns "trading" insults.

306. The insults often involved exposing personal details of the coaches and teammates lives, on some occasions exposing infidelity in committed relationships or questioning sexuality in front of the entire group.

307. Other times, the physical or mental health of players or coaches was exposed and mocked.

**e. The “Dredge”**

308. Every winter the Wildcats held a “winning edge” week of grueling conditioning.

309. The premise of the “winning edge” was that it would give the Wildcats a “winning edge” over other programs because many other college football programs do not have this week of conditioning.

310. After the “winning edge,” senior members of the football team would host the “Dredge” which stood for the “drinking edge.”

311. The “Dredge” was a player led post-training social event held at a senior football player’s house.

312. The purpose of the “Dredge” was to haze members of the team with excessive alcohol intoxication and drinking games.

313. Many of the players in attendance were not of legal drinking age.

314. Players would be drafted to teams to participate in drinking games.

315. The “Dredge” would ultimately end in extreme intoxication for many, leading to vomiting and unconsciousness. For others, it ended in physical altercations and injuries or threats of violence.

316. Participation in the “Dredge” was not optional because the punishment for not attending or participating would be that you would go on “the list” for getting “ran” or face other ostracizing treatment.

**f. Other humiliating acts**

317. In a position meeting in the fall of 2015 John Doe 2 was asked how his campus experience was going and whether he had met any girls by his position coach, Coach Mac.

318. When John Doe 2 replied and indicated that he had been dating someone, Coach Mac brought Facebook up on the screen and began to search for the girl's profile. In front of the entire position group, Coach Mac went through the Facebook profile of John Doe 2's girlfriend, commenting on her appearance and inquiring of John Doe 2 what kind of sexual experiences the two had been engaged in since arriving at Campus.

**g. Racism and discrimination**

319. Coaches on the NU football team would often make inappropriate comments about players' race, stereotyping them according to race.

320. These comments were made in an effort to bully, intimidate and make these players of color feel inferior, feel they lacked power and assert dominance.

321. In one instance, a black player who walked into the snack area with a pair of new headphones was approached by a white coach and told "you stole them beats didn't you?" after which the white coach laughed and walked away. The implication was that black people are thieves and/or do not have the resources to purchase expensive head phones.

322. In another instance, a white coach told a light skinned black player that he was not "actually black" because he was quiet, smart, and mild mannered. The implication was that if he was "actually black" he would be loud, unintelligent and poorly mannered.

323. In another instance, a white coach saw a group of black players in the locker and asked them "when is your new mixed tape dropping" even though the players were not singing, or rapping or engaged in any activity that would have led the coach to believe they were budding recording artists. The implication was that since the players were black, they must be rappers or hip-hop artists like many other black entertainers.

324. During the period where Colin Kaepernick knelt during the national anthem at the start of NFL games in protest of police brutality and racial inequality in the United States, many black players struggled with whether they would be allowed to “take a knee” in solidarity with Kaepernick.

325. Initially players were told that they had to come together to decide what they wanted to do as a team by coach Fitz.

326. John Doe 1 had a separate meeting with Fitz during this time period and was told that the coaching staff did not want him to take a knee. The coach advised that taking a knee was a “distraction” and that he would have to field a lot of questions and “would not get backing from the program.”

327. This placed the black players in an uncomfortable position where they had to make the choice between standing up for an issue of social justice and importance to them as people, or facing backlash and retribution from their coaches and teammates.

#### **h. Players with injuries**

328. Players with injuries were treated as worthless to the team until they could get healthy.

329. Simba Short entered NU as a freshman with an injury history which included a recent surgical procedure following his senior year in high school.

330. Simba Short was often referred to as an “eater and shitter” because his value to the team was nothing but consuming food and toilet space until he was healthy.

331. Other injured players were called “eaters and shitters” too, clarifying the coaching staff’s view of their worth to the team.

332. Players who were not able to meaningfully contribute to the team were also the target of the lewd and humiliating hazing activities described above.

333. After Simba Short arrived at Northwestern, he had a meeting with Northwestern coaching staff, trainers and doctors, and was informed that he would need to undergo another surgical procedure which kept him away from football related activities for months while he recovered and rehabbed.

334. Following Simba Short's months-long rehabilitation, he returned to the practice field during spring football and demonstrated that he was finally able to lift his arm.

335. Days after Simba Short's return to football related activities, he was confronted by senior members of the football team in the locker room, at which point he was told that he was then "healthy enough to be ran."

336. Later that week in the locker room, Simba Short was cornered by several senior members of the football team, restrained, and forcefully humped by several members of the football team.

**i. Disregarding of complaints and ongoing intimidation**

337. **Warren Miles Long**, who was a player beginning in 2013 approached Fitz with complaints and concerns both involving football and personal matters during his time as a player. These concerns were disregarded and in one instance he was instructed to sweep the situation under the rug. This treatment of Long's concerns by Fitz created a hostility and environment that deterred Long from coming forward about additional and other issues while he was a player, even though he was on the team's "leadership council."

338. Following the firing of Coach Fitz, many players including **Lloyd** have received messages from former teammates or even current coaching staff that instruct that support for Coach Fitz needs to be shown by the team members.

339. Even after NU's own internal report indicted itself for hazing in the football program and despite Coach Fitz being the head of that program and in a superior position to know or at the very least, have significant opportunities to know that hazing was occurring, the Fitz faithful are an intimidating presence for former team members wanting to come forward.

340. Many former players believe that speaking out will result in Fitz or other coaches derailing their careers.

**X. Reasonable College Football Teams**

341. To ensure the highest ethical standards in an elite college football program and protect student-athletes from abuse, hazing, and mental health challenges, colleges should set forth a clear code of conduct, education and prevention programs, robust reporting mechanisms, mental health support, monitoring, transitional support, regular check-ins, collaboration with campus resources, and independent oversight.

342. Colleges have a duty to establish comprehensive codes of conduct that explicitly prohibit any form of abuse, hazing, or harassment.

343. These codes should be communicated to all participants, including coaches, staff, and players, emphasizing zero tolerance for such behaviors.

344. Colleges have a duty to establish education and prevention programs that address topics like healthy relationships, consent, mental health awareness, and reporting mechanisms.

345. These programs should promote a culture of respect, empathy, and support within the program.



346. Colleges have a duty to implement confidential and accessible reporting mechanisms, such as hotlines or anonymous reporting channels, where athletes can safely report any instances of abuse, hazing, or harassment.

347. These programs assure athletes that they will be protected from retaliation for reporting such incidents.

348. Colleges have a duty to provide mental health resources, including access to licensed counselors, psychologists, or therapists who specialize in working with student-athletes. Foster an environment that encourages open dialogue about mental health and promotes seeking help when needed.

349. Colleges have a duty to develop programs to assist freshmen athletes in their transition from home to college life.

350. These programs can include orientation sessions, mentorship programs, and guidance on adapting to the demands of college athletics and academics.

351. Colleges have a duty to conduct regular check-ins with student-athletes to assess their well-being, address any concerns, and provide necessary support. Coaches and staff should foster a supportive and caring environment where athletes feel comfortable discussing their challenges and seeking guidance.

352. Colleges have a duty to collaborate with campus resources such as Title IX coordinators, student affairs departments, and health services to ensure a comprehensive support system for student-athletes.

353. This ensures a holistic approach to their well-being and provides access to specialized expertise when needed.

354. Colleges have a duty to establish an independent oversight body or ombudsman to monitor and evaluate the program's compliance with ethical standards.

355. This entity can investigate any reported incidents, conduct regular audits, and provide recommendations for improvement.

356. By implementing these measures, an elite college football program can uphold the highest ethical standards, protect student-athletes from abuse, hazing, and mental health challenges, and foster a safe and supportive environment for their overall well-being.

357. Northwestern University had a duty to its football players including **Lloyd** to enact reasonable measures including, but not limited to those outlined in paragraphs 341-356 to protect players from hazing, sexual abuse, mental suffering and embarrassment and other forms of abuse.

358. Had Northwestern University had the reasonable measures outlined in paragraphs 341-356 in place before the summer of 2015, **Lloyd** would not have been sexually abused and hazed.

### **C. SEXUAL CONDUCT TOLLING**

359. For an action arising out of an injury caused by "sexual conduct" or "sexual penetration" as defined in Section 11-0.1 of the Criminal Code of 2012, the limitation period in Section 13-202 does not run during a time period when the person injured is subject to threats, intimidation, manipulation, or fraud perpetrated by the perpetrator or by a person the perpetrator knew or should have known was acting in the interest of the perpetrator. 735 Ill. Comp. Stat. Ann. 5/13-202.3.

360. The Criminal Code further defines "sexual conduct" as "any knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus, or breast of the victim or the accused . . ." 720 Ill. Comp. Stat. 5/11-0.1.

361. When a plaintiff's claim aris[es] out of an injury caused by 'sexual conduct' as defined under the statute, the statute of limitations is tolled.

362. Plaintiff, **Lloyd Yates** experienced injury caused by “sexual conduct” as defined in Section 11-0.1 of the Criminal Code of 2012 when he was “run” in the locker room, tormented by “The Shrek Squad”, endured forced naked drills, put through the “car wash” and experienced frequent locker room harassment, unwanted physical contact, humiliation, touching and fondling of his genitals and anus, and other tortious acts.

363. Plaintiff, **Lloyd Yates** was **and continues to be** “subject to threats, intimidation, manipulation, or fraud perpetrated by the perpetrator and by persons the perpetrator knew or should have known was acting in the interest of the perpetrator” including but not limited to being ostracized by the team, losing his scholarship, not playing football, and interference with his graduation from NU and ongoing lifetime success and career.

364. The statute of limitations has tolled on **Lloyd Yates**' claim as a result of the illegal and tortious sexual conduct perpetrated against him, and his legal claims are therefore not barred.

#### **D. FRAUDULENT CONCEALMENT TOLLING**

365. A plaintiff's sense of reality being manipulated by defendants, including being manipulated to believe that abuse is a good thing, warrants a finding of fraudulent concealment.

366. Defendants knew they had a duty to speak and act to address the illegal and tortious conduct that was transpiring on the Northwestern football team.

367. Defendants intended to induce false belief in **Lloyd Yates** that what was happening to him and other players on the football team was normal, and even positive and conducive to team bonding, when they threatened, groomed, and manipulated him.

368. Plaintiff **Lloyd Yates** was prevented from discovering that what was happening to

him was actionable due to being subjected to hostility, threats, grooming, and manipulation by Defendants.

369. Plaintiff **Lloyd Yates** relied on Defendants to cultivate a safe and positive environment and to protect his interests, including protection from illegal and tortious conduct.

370. Plaintiff would have acted differently if Defendants had not concealed information from him regarding his ideas about withdrawing his commitment and the conduct he was subjected to as a member of the Northwestern football team.

371. Plaintiff **Lloyd Yates** has suffered damages as a result of Defendants' actions, including physical and emotional trauma.

372. The statute of limitations has tolled on **Lloyd Yates'** claim as a result of Defendants' fraudulent concealment, and his legal claims are therefore not barred.

#### **E. REPRESSED MEMORY TOLLING**

373. When an adult plaintiff has repressed memories or did not understand or appreciate that abuse had occurred, the plaintiff can avoid a limited statute of limitations.

374. Plaintiff, **Lloyd Yates** and other Northwestern football players were psychologically manipulated and groomed to believe the illegal and tortious behavior they were enduring was justified, acceptable, normal, and was not actionable abuse.

375. As a result of the psychological trauma **Lloyd Yates** endured, he repressed his memory of the traumatic events that transpired during his time on the Northwestern football team as a psychological defense mechanism.

376. Upon seeing allegations and stories of the abuse resurface recently in the news, in July 2023, **Lloyd Yates'** memory was triggered, and he recalled the abuse he had endured as a member of the Northwestern football team.

377. Plaintiff, **Lloyd Yates** understood upon seeing the hazing and misconduct allegations against Defendants in the news that his injuries were wrongfully caused.

378. The statute of limitations has tolled on **Lloyd Yates'** claim as a result of his repressed memory, and his legal claims are therefore not barred.

**COUNT I**  
**Lloyd Yates v. NU**  
**(Negligence)**

1– 378. Plaintiff, **Lloyd Yates**, repeats, realleges and fully incorporates by reference all facts and allegations contained in Paragraphs 1 through 378 as fully set forth herein.

379. NU, through its employees including coaches, training staff and athletic department, had a duty to supervise their athletic programs, including its training facilities and locker rooms to protect the safety and well-being of its student athletes.

380. Defendant NU through its employees including coaches, training staff and athletic department, had a duty to enforce its anti-hazing policies.

381. Defendant NU through its employees including coaches, training staff and athletic department, had a duty to protect their student athletes from physical and sexual violence, hazing and extreme mental abuse.

382. Defendant NU and Lloyd Yates had a special relationship whereby Defendant exerted superiority and influence over Lloyd Yates due to Lloyd Yates' trust and confidence in Defendant's guidance, leadership and football and academic programs.

383. Defendant NU had a duty to protect Lloyd Yates from preventable and foreseeable criminal acts of third parties, including, but not limited to, members of its football team.

384. Defendant NU knew or should have known, of the sexualized acts of hazing occurring in football program before Lloyd Yates became a part of it in 2015.

385. The Northwestern coaching staff had significant opportunities to discovery hazing conduct in violation of their policies in 2014, before Lloyd Yates was enrolled at NU.

386. Defendant NU as an institution and by and through its actual agents, apparent agents, and/or employees, including, but not limited to, its football coaching staff, training staff and athletic department, breached its duty to Lloyd Yates in one or more of the following ways:

- a. Failed to prevent hazing;
- b. Failed to prevent unwanted sexual conduct and forced sexual acts;
- c. Failed to monitor its football program for hazing and unwanted sexual conduct and forced sexual acts;
- d. Failed to report observed hazing, sexual conduct and forced sexual acts;
- e. Disregarded obvious, raucous, hazing and sexual acts when they were heard or observed;
- f. Failed to train and supervise its football coaching and training staff in their monitoring and prevention of hazing, sexual conduct and forced sexual acts;
- g. Failed to institute appropriate preventative monitoring and reporting systems to ensure that hazing, sexual conduct and forced sexual acts were observed and reported; and
- h. Failed to implement its own 'anti-hazing' policies.

387. As a direct and proximate result of NU's negligent acts and/or omissions, **Lloyd Yates** suffered and will continue to suffer injuries of a personal and pecuniary nature including, but not limited to, pain and suffering.

**WHEREFORE**, the Plaintiff, **Lloyd Yates, Individually**, through his attorneys, **Levin & Perconti** and **Ben Crump Law**, asks that a judgment be entered against the Defendant,

**Northwestern University**, in a fair and just amount in excess of **Fifty-Thousand Dollars (\$50,000.00)**.

**COUNT II**  
**Lloyd Yates v. NU**  
**(Willful and Wanton)**

1– 378. Plaintiff, **Lloyd Yates**, repeats, realleges and fully incorporates by reference all facts and allegations contained in Paragraphs 1 through 378 as fully set forth herein.

379. Defendant NU through its employees including coaches, training staff and athletic department, had a duty to supervise their athletic programs, including its training facilities and locker rooms to protect the safety and well-being of its student athletes.

380. Defendant, NU through its employees including coaches, training staff and athletic department, had a duty to enforce its anti-hazing policies.

381. Defendants NU through its employees including coaches, training staff and athletic department, had a duty to protect their student athletes from physical and sexual violence, hazing and extreme mental abuse.

382. Defendant NU and Lloyd Yates had a special relationship whereby Defendants exerted superiority and influence over Lloyd Yates due to Lloyd Yates’ trust and confidence in Defendants’ guidance, leadership and football and academic programs.

383. Defendant NU had a duty to protect Lloyd Yates from preventable and foreseeable criminal acts of third parties, including, but not limited to, members of its football team.

384. Defendant NU knew or should have known, of the sexualized acts of hazing occurring in football program before Lloyd Yates became a part of it in 2015.

385. The Northwestern coaching staff had significant opportunities to discovery hazing conduct in violation of their policies in 2014, before Lloyd Yates was enrolled at NU.

386. Defendant NU as an institution and by and through its actual agents, apparent agents, and/or employees, including, but not limited to, its football coaching staff, training staff and athletic department, breached its duty to Lloyd Yates in one or more of the following ways:

- i. Intentionally supported a culture of hazing on the football team;
- j. Recklessly disregarded the safety of the student athletes on the football team by failing to prevent hazing.
- k. Intentionally supported a culture of unwanted sexual conduct and forced sexual acts occurring on the football team;
- l. Recklessly disregarded the safety of the student athletes on the football team by failing to prevent unwanted sexual conduct and forced sexual acts from occurring on the football team;
- m. Intentionally failed to monitor its football program for hazing and unwanted sexual conduct and forced sexual acts because the football team and its head coach “Fitz” had brought particular notoriety and prestige to NU;
- n. Recklessly disregarded observed hazing, sexual conduct and forced sexual acts;
- o. Intentionally decided not to report observed hazing, sexual conduct and forced sexual acts;
- p. Participated in hazing and sexual conduct;
- q. Disregarded obvious, raucous, hazing and sexual acts when they were heard or observed;
- r. Recklessly disregarded the safety of its student athletes when it failed to institute appropriate preventative monitoring and reporting systems to ensure that hazing, sexual conduct and forced sexual acts were observed and reported; and



s. Reclessly disregarded its own ‘anti-hazing’ policies.

387. As a direct and proximate result of **NU’s** intentional and/or reckless acts and/or omissions, **Lloyd Yates** suffered and will continue to suffer injuries of a personal and pecuniary nature including, but not limited to, pain and suffering.

126. Punitive damages are necessary to punish and deter Defendant, **Northwestern** from engaging in this outrageous behavior again. Plaintiffs will seek, in due course, an amendment that permits the imposition of punitive damages.

**WHEREFORE**, the Plaintiff, **Lloyd Yates, Individually**, through his attorneys, **Levin & Perconti and Ben Crump Law**, asks that a judgment be entered against the Defendant, **Northwestern University**, in a fair and just amount in excess of **Fifty-Thousand Dollars (\$50,000.00)**.

**COUNT III**  
**Lloyd Yates v. NU**  
**(Gender Violence Act)**

1-378. Plaintiff incorporates Paragraphs 1-378 of this Complaint as if fully set forth in this Count and further alleges the following:

379. At all times relevant, there was in full force and effect an Illinois statute known as the Gender Violence Act (herein “GVA”) (740 ILCS 82/1).

380. Section 5 of the GVA defines “gender-related violence,” to mean one the following:

(1) One or more acts of violence or physical aggression satisfying the elements of battery under the laws of Illinois that are committed, at least in part, on the basis of a person's sex, whether or not those acts have resulted in criminal charges, prosecution, or conviction.

(2) A physical intrusion or physical invasion of a sexual nature under coercive conditions satisfying the elements of battery under the laws of Illinois, whether or not the act or acts resulted in criminal charges, prosecution, or conviction.

(3) A threat of an act described in item (1) or (2) causing a

realistic apprehension that the originator of the threat will commit the act.

381. Pursuant to Section 10 of the GVA, any person who has been subjected to gender-related violence, as defined in Section 5, of the GVA may bring a civil action for compensatory and punitive damages, injunctive relief, or other appropriate relief against a person or persons perpetrating that gender-related violence.

382. Pursuant to Section 10 of the GVA, "perpetrating" means either personally committing the gender-related violence or personally encouraging or assisting the act or acts of gender-related violence.

383. In Illinois, a "person" has been expanded to include corporations under the GVA. *Gasic v. Marquette Management, Inc.*, 146 N.E.3d 10, 13 (2019).

384. The sexual conduct described heretofore is a physical intrusion or physical invasion of a sexual nature under the GVA.

385. College football is a sport only available for male athletes.

386. The sexual assault suffered by NU football players including Lloyd Yates was directed at them because of their male sex because of their participation in the football program.

387. The sexual assault suffered by NU football players was directed at male players because of their sex, specifically because of the dehumanizing and manipulative effect it would have on male players.

388. The sexual assault suffered by NU football players was directed at male players because of their sex in an effort to "break" them, punish them, control them or "get them in line."

389. Defendant by and through its agents and/or employees perpetrated gender violence against the Plaintiff by encouraging or assisting in gender violence in one or more of the following ways:

- a. Coaching staff perpetrated sexual violence because they knew of and directed sexual conduct against players as a form of control or punishment;
- b. Coaching staff and other staff encouraged and assisted gender violence by intentionally disregarded and turned a blind eye to Northwestern University's Antihazing Policies;
- c. Coaching staff and other staff encouraged and assisted gender violence by making it known that they could hear sexual assault happening but failing to reprimand or punish the assailants;
- d. Coaching staff and other staff encouraged and assisted gender violence by being subject to sexual assault like "running", failing to stop the practices and instead laughing and perpetuating it;
- e. Coaching staff and other staff encouraged and assisted gender violence by holding back freshman players at Kenosha while allowing upperclassman to prepare for the Shrek Squad to perpetrate sexual violence;
- f. Northwestern University encouraged and assisted gender violence by knowingly allowing sexual assault to occur to Lloyd Yates;
- g. Northwestern University encouraged and assisted gender violence willfully ignored foreseeable harm to football players, including **Lloyd Yates**;
- h. Northwestern University encouraged and assisted gender violence by requiring **Lloyd Yates** to be left unsupervised while acts of sexual abuse were committed;
- i. Northwestern University encouraged and assisted gender violence by failing to enforce **Northwestern University's** "Antihazing" zero-tolerance policies despite that they knew or should have known sexual violence was happening;

390. As a proximate result of the foregoing acts or omissions, the Plaintiff was sexually assaulted and suffered emotional injuries.

**WHEREFORE**, the Plaintiff, **Lloyd Yates, Individually**, through her attorneys, **Levin & Perconti and Ben Crump Law**, asks that a judgment be entered against the Defendant **Northwestern University**, in a fair and just amount in excess of **Fifty-Thousand Dollars (\$50,000.00)**, actual damages, damages for emotional distress, punitive damages, attorney's fees and costs.

Respectfully submitted,  
**LEVIN & PERCONTI**

By:



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