

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

Dr. STEVEN UNGERLEIDER,

*Plaintiff,*

v.

ANGELA RUGGIERO,

*and*

THE UNITED STATES OLYMPIC COMMITTEE,

*Defendants.*

Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff Dr. Steven Ungerleider, by his attorneys and for his complaint, alleges and states as follows:

**INTRODUCTION**

1. Since at least 2016, a sexual abuse crisis in amateur sports has threatened to consume the United States Olympic Committee (“USOC”) and its national governing body that oversees girls’ gymnastics. Although it originally gained little national attention, dozens of coaches and others were implicated in the abuse, with victims numbering in the hundreds, including some of the most prominent names in the sport. The crisis mirrored an earlier scandal in amateur swimming that erupted in 2010, but which similarly was little covered by the media.

2. Until recently, when the crisis finally gained national attention when more than 250 girls and women confronted USA Gymnastics team physician Dr. Larry Nassar at his sentencing hearings for sexual abuse, the USOC and its officials had consistently sought to cover up these scandals, to minimize the extent of the abuse that has been inflicted on these young athletes, and to

manage the issue as a public relations problem. Defendants sought to prevent the emerging crisis from gaining even more exposure and engulfing the USOC and its officers, who for years had known of the ongoing sexual abuse problem but failed to properly address it.

3. This lawsuit involves one such effort to cover up the sexual abuse crisis, as the USOC and one of its most prominent directors, Angela Ruggiero, tried to silence a long-time member of the Olympic Movement, Dr. Steven Ungerleider, who has been working to get the USOC to finally address the sexual abuse crisis and bring redress to the abuse survivors. They did so first by defaming Dr. Ungerleider to destroy his credibility, and then by forcing him out of the USOC and thereby interfering with his livelihood.

### **PARTIES**

4. Plaintiff Dr. Steven Ungerleider (“Dr. Ungerleider”) is an individual residing in Eugene, Oregon. He is a sports psychologist, author, and a founding trustee of the Foundation for Global Sports Development (“GSD Foundation”).

5. Upon information, Defendant United States Olympic Committee (“USOC”) is a federally chartered corporation headquartered in Colorado Springs, Colorado and organized under the Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. § 220501 *et seq.* (1978). Pursuant to 36 U.S.C.A. § 220505(b)(9), the USOC may “sue and be sued” in any federal district court.

6. According to its Congressional charter, the USOC’s purpose is “to provide swift resolution of conflicts and disputes involving amateur athletes, national governing bodies, and amateur sports organizations, and protect the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in amateur athletic competition.” 36 U.S.C. § 220503. The national governing bodies are recognized and overseen by the USOC pursuant to federal law, 36 U.S.C. § 220521 *et seq.* Pursuant to 36 U.S.C. § 220521(d), the USOC “may

review all matters related to the continued recognition of an organization as a national governing body and may take action it considers appropriate, including placing conditions on the continued recognition.”

7. Upon information and belief, Defendant Angela Ruggiero (“Ruggiero”) is an individual residing in Weston, Massachusetts. Ruggiero is a member of the Board of Directors of the USOC, a member of the Executive Board of the International Olympic Committee (“IOC”), and the Chief Executive Officer of the Sports Innovation Lab in Boston, Massachusetts.

### **NATURE OF THE ACTION AND JURISDICTION**

8. This action arises under Massachusetts state common law.

9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1332(a) because all parties are citizens of different states and the amount in controversy is greater than \$75,000.

10. This Court has personal jurisdiction over the USOC pursuant to 36 U.S.C.A. § 220505(b)(9). This Court also has personal jurisdiction over the USOC because, among other reasons, they (a) transact business throughout the United States, including in this District; (b) have substantial contacts with this District; and (c) have committed overt acts in furtherance of its tortious interference in this District.

11. This Court has personal jurisdiction over Ruggiero because she is a resident of this district.

12. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b)(1), 1391(c)(2).

### **FACTS**

13. Dr. Ungerleider is a licensed sports psychologist with masters and doctorate degrees from the University of Oregon. He treats amateur and professional athletes as part of his

clinical practice, in which he provides therapy for a range of conditions, including trauma recovery. He is the author of six books, including *Faust's Gold: Inside the East German Doping Regime*, based on his work with an international team of researchers examining the East German doping files, monitoring the criminal trials, and interviewing hundreds of witnesses. Dr. Ungerleider has spent decades working with the World Anti-Doping Agency and the U.S. Anti-Doping Agency to combat doping in the Olympics and other international sports.

### **Sexual Abuse Crisis in Olympic Sports**

14. In recent years, Dr. Ungerleider has worked to address the sexual abuse crisis in girls' gymnastics and other sports. Almost 300 coaches and officials associated with the USOC and its national governing bodies have been accused of sexual misconduct since 1982, including at least 175 who were convicted of sex crimes.<sup>1</sup> As was first documented in the *Indianapolis Star*, hundreds of female gymnasts, some as young as six years old, have reported that they were sexually abused by USA Gymnastics coaches, trainers, physicians, and other personnel.<sup>2</sup> For example, Larry Nassar, who served as the USA Gymnastics team physician for 20 years, recently pled guilty to sexual abuse charges based on his decades-long practice of penetrating young girls with his ungloved fingers while purporting to treat them.<sup>3</sup> He was also separately sentenced to 60

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<sup>1</sup> Will Hobson and Steven Rich, "Every six weeks for more than 36 years: When will sex abuse in Olympic sports end?" *Washington Post* (Nov. 17, 2017), available at [https://www.washingtonpost.com/sports/every-six-weeks-for-more-than-36-years-when-will-sex-abuse-in-olympic-sports-end/2017/11/17/286ae804-c88d-11e7-8321-481fd63f174d\\_story.html?utm\\_term=.24d7d86bcbe1](https://www.washingtonpost.com/sports/every-six-weeks-for-more-than-36-years-when-will-sex-abuse-in-olympic-sports-end/2017/11/17/286ae804-c88d-11e7-8321-481fd63f174d_story.html?utm_term=.24d7d86bcbe1).

<sup>2</sup> See Tim Evans, Mark Alesia and Marisa Kwiatkowski, "A 20-Year Toll: 368 Gymnasts Allege Sexual Exploitation," *Indianapolis Star* (Dec. 15, 2016), available at [www.indystar.com/story/news/2016/12/15/20-year-toll-368-gymnasts-allege-sexual-exploitation/95198724/](http://www.indystar.com/story/news/2016/12/15/20-year-toll-368-gymnasts-allege-sexual-exploitation/95198724/).

<sup>3</sup> Rebecca Schuman, "How Larry Nassar Got Away With It," *Slate* (Nov. 29, 2017), available at <https://slate.com/sports/2017/11/larry-nassar-preyed-on-young-gymnasts-whod-been->

years in prison for separate child pornography charges.<sup>4</sup> To date, more than 265 girls and women have come forward to document Nassar's abuse.<sup>5</sup> Prominent gymnastics coaches such as former national team coach Don Peters and a USA Gymnastics Coach of the Year Doug Boger also allegedly sexually assaulted dozens of athletes.<sup>6</sup> The victims of this sexual abuse include some of the nation's most prominent gymnasts, such as gold medal winners Simone Biles, Gabby Douglass, Kayla Maroney, and Aly Raisman.<sup>7</sup>

15. The sexual abuse crisis in girls' gymnastics comes on the heels of a similar crisis in girls' swimming.<sup>8</sup> According to Congressman George Miller, who led an investigation into the

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taught-their-bodies-were-not-their-own.html; "Dr. Larry Nassar: A History of Preying on People," *Indianapolis Star*, available at <http://interactives.indystar.com/news/standing/OutOfBalance/NassarTimeline/LSJ.html>; John Barr, "Gymnast Maggie Nichols alleges in letter she was first to alert USAG to abuse by Larry Nassar," *ESPN.com* (Jan. 9, 2018), available at [http://www.espn.com/olympics/story/\\_/id/22011755/gymnast-maggie-nichols-says-was-first-alert-usa-gymnastics-abuse-larry-nassar](http://www.espn.com/olympics/story/_/id/22011755/gymnast-maggie-nichols-says-was-first-alert-usa-gymnastics-abuse-larry-nassar).

<sup>4</sup> *Id.*

<sup>5</sup> Kim Kozlowski, "Toll of Nassar Victims Rises to 265," *Detroit News* (Jan. 31, 2018), available at <https://www.detroitnews.com/story/news/local/michigan/2018/01/31/nassar-eaton-county-sentencing-hearing-begins/109967508/>.

<sup>6</sup> See Scott Reid, "Don Peters, Iconic Olympics Coach, Banned by U.S. Gymnastics," *Orange County Register* (Nov. 17, 2011), available at <http://www.ocregister.com/2011/11/17/don-peters-iconic-olympics-coach-banned-by-us-gymnastics/>; Scott Reid, "USA Gymnastics tightens rules on banned coaches," *Orange County Register* (Nov. 9, 2011), available at <http://www.ocregister.com/2011/10/02/an-overwhelming-feeling-of-dread/>.

<sup>7</sup> See Evans *et al.*, "A 20-Year Toll," *Indianapolis Star*; Victor Mather, "Olympic Gymnast McKayla Maroney Says She Too Was Molested by Team Doctor," *New York Times* (Oct. 18, 2017), available at <https://www.nytimes.com/2017/10/18/sports/olympics/gymnast-mckayla-maroney-team-doctor-sexual-abuse.html>; Rebecca Schuman, "The Strength of Simone Biles," *Slate* (Jan. 16, 2018), available at <https://slate.com/culture/2018/01/simone-biles-statement-calling-out-usa-gymnastics-could-be-her-greatest-legacy.html>.

<sup>8</sup> Alexandra Starr, "Pushing the Limit: What the U.S. Olympic Committee can – and can't – do about sexual abuse," *Harper's Magazine* (Nov. 2017), available at <https://harpers.org/archive/2017/11/pushing-the-limit/?single=1>.

sexual abuse as the chair of the U.S. House Committee on Education and the Workforce, “child sexual abuse and sexual misconduct have plagued USA Swimming since its inception in 1980.”<sup>9</sup> USA Swimming only began taking action, however, when media reports documenting the abuse began surfacing in 2010.<sup>10</sup> In order to fend off the impression that it was the “fox guarding the hen house,” USA Swimming created a “SafeSport” program to address the allegations.<sup>11</sup> USA Swimming now maintains a list of banned coaches and others who have been accused of sexual abuse and other transgressions, and nearly 150 coaches have now been banned from USA Swimming.<sup>12</sup> This includes Everett Uchiyama, the former director of the national team who quietly resigned in 2006 after admitting to USA Swimming that he had a sexual relationship with a 14-year-old swimmer.<sup>13</sup> In a settlement agreement, USA Swimming agreed not to investigate any claims of sexual abuse by Uchiyama, and both parties agreed not to disclose any details of the abuse.<sup>14</sup> Remarkably, Uchiyama continued to work as a local swim coach on the strength of a positive recommendation from USA Swimming.<sup>15</sup>

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<sup>9</sup> Letter from Hon. George Miller to Director James Comey, FBI, July 9, 2014, *available at* <https://cdn.swimswam.com/wp-content/uploads/2014/10/USASwimming-GMLettertoFBIandFBIResponse-1.pdf>.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*; USA Swimming, List of Individuals Permanently Suspended or Ineligible for Membership, <https://www.usaswimming.org/utility/landing-pages/safe-sport/banned-member-list---perm>.

<sup>13</sup> “Report: Banned Ex-Director Touted,” *ESPN.com* (June 30, 2010), *available at* <http://www.espn.com/olympics/swimming/news/story?id=5319202>.

<sup>14</sup> Letter from Hon. George Miller to Director James Comey, *supra*.

<sup>15</sup> *Id.*; “Report: Banned Ex-Director Touted,” *ESPN.com* (June 30, 2010), *supra*.

16. According to a 2014 independent report, “[p]rior to 2010, USA Swimming had a number of child protection policies and guidelines that proved ineffectual in protecting many children from abuse.”<sup>16</sup> Although the 2010 reforms implemented by USA Swimming in 2010 “have been substantive and have resulted in children being protected who, in the past, may have fallen through the cracks,” the new protections continued to have glaring weaknesses.<sup>17</sup> This included permitting coaches accused of sexual abuse to continue working with children if their victims were unwilling or unable to testify against them, and resolving allegations of abuse through informal processes without conducting an investigation.<sup>18</sup> According to the report, “there are remaining weaknesses in the system and, unless they are addressed, there will be no barrier between some children and those who would harm them.”<sup>19</sup>

17. The USOC and its national governing bodies have been aware of allegations of sexual abuse since at least the 1990s, but they have repeatedly failed to address them.<sup>20</sup> When USA Gymnastics sought to address the issue in the late 1990s by instituting modest procedures

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<sup>16</sup> Gundersen National Child Protection Training Center, “When the Athlete is a Child: An Assessment of USA Swimming’s Safe Sport Program,” (Jan. 27, 2014), at 1, *available at* <https://www.gundersenhealth.org/app/files/public/3215/NCPTC-USA-Swimming-Full-Report.pdf>.

<sup>17</sup> *Id.*

<sup>18</sup> Letter from Hon. George Miller to Director James Comey, at 6, *supra*.

<sup>19</sup> Gunderson report, *supra*, at 1.

<sup>20</sup> *See* Tim Evans, Mark Alesia and Marisa Kwiatkowski, “A Blind Eye to Sex Abuse: How USA Gymnastics Failed to Report Cases,” *Indianapolis Star*, *available at* <https://www.indystar.com/story/news/investigations/2016/08/04/usa-gymnastics-sex-abuse-protected-coaches/85829732/>; Juliet Macur, “Facing Congress, Some Sports Officials (Not All) Begin to Confront Sexual Abuse,” *New York Times* (March 29, 2017), *available at* <https://www.nytimes.com/2017/03/29/sports/facing-congress-some-sports-officials-not-all-begin-to-confront-sex-abuse.html>.

allowing the organization to suspend individuals charged with a felony involving abuse of a minor, the USOC intervened in a two-year process to decertify USA Gymnastics if it did not rescind the procedures.<sup>21</sup> In 1999, USA Gymnastics President Robert Colarossi warned the USOC that “this is not an issue that can be wished away. The USOC can either position itself as a leader in the protection of young athletes or it can wait until it is forced to deal with the problem under much more difficult circumstances.”<sup>22</sup> Similarly, in 2004, USA Swimming received a complaint that a coach had taken videos of underage swimmers, that he possessed other child pornography, including videos of his own sex acts with children.<sup>23</sup> USA Swimming, however, took no action until eight years later, when the coach was again accused of sexual misconduct.<sup>24</sup> Most recently, when the sexual abuse crisis first came to light in 2016 as a result of an *Indianapolis Star* exposé, the USOC announced that it would not conduct any investigation into the crisis because it was confident that USA Gymnastics had evolved in its approach to the issue.<sup>25</sup> The USOC claims to be “committed to creating a safe and positive environment for athletes’ physical, emotional and social development and to ensuring that it promotes an environment free of misconduct.” A recent

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<sup>21</sup> Nancy Armour and Rachel Axon, “USOC Did Not Heed Sexual Abuse Warnings in 2004, 2005,” *USA Today* (Mar. 31, 2017), available at <https://www.usatoday.com/story/sports/olympics/2017/03/31/usoc-sexual-abuse-usa-swimming-senate/99826600/>.

<sup>22</sup> *Maroney v. Michigan State Univ. et al.*, Case No. BC-687396 (Cal. Sup. Ct. 2017), Dkt. 1 at Ex. A.

<sup>23</sup> Letter from Hon. George Miller to Director James Comey, at 8, *supra*.

<sup>24</sup> *Id.*

<sup>25</sup> Rick Maese, “USOC will not launch its own investigation into alleged sexual abuse of gymnasts,” *Washington Post* (Aug. 5, 2016), available at [https://www.washingtonpost.com/sports/olympics/usoc-will-not-launch-its-own-investigation-into-alleged-sexual-abuse-of-gymnasts/2016/08/05/cacfb934-5b1b-11e6-9aee-8075993d73a2\\_story.html?utm\\_term=.a5bbfdf8e789](https://www.washingtonpost.com/sports/olympics/usoc-will-not-launch-its-own-investigation-into-alleged-sexual-abuse-of-gymnasts/2016/08/05/cacfb934-5b1b-11e6-9aee-8075993d73a2_story.html?utm_term=.a5bbfdf8e789).

report, however, concluded that “the practices of USA Gymnastics have not kept up with best practices in the field of child abuse protection, allowing for significant gaps and exposures regarding the prevention and reporting of child sexual abuse within the sport” and that it had “taken a piecemeal and largely ineffective approach to abuse prevention.”<sup>26</sup>

18. The USOC and its national governing bodies continue to attempt to cover up the scope and nature of the sexual abuse crisis. According to a lawsuit filed by McKayla Maroney in California state court in December 2017, the USOC “has and had a culture and atmosphere that conceals known and suspected sexual abusers, which transcends all policies and procedures that are set in place.”<sup>27</sup> As detailed in Ms. Maroney’s complaint, USA Gymnastics sought to keep the fact of Maroney’s abuse secret by requiring her to sign a confidentiality agreement that imposed financial penalties if she spoke out about her abuse, allegedly in violation of California law.<sup>28</sup> Former Olympics gymnastics team captain Aly Raisman has stated that USA Gymnastics continues to try to sweep the allegations under the rug rather than confront them.<sup>29</sup> According to a complaint filed by Ms. Raisman in February 2018, the USOC “has a practice and culture of ignoring its own internal rules and mandates for NGBs [national governing bodies], in order to protect its reputation and blind itself to known abusers within the ranks of NGBs for which it is

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<sup>26</sup> See Deborah J. Daniels, “Report to USA Gymnastics on Proposed Policy and Procedural Changes for the Protection of Young Athletes,” June 26, 2017, at 4-5, *available at* [https://usagym.org/PDFs/About%20USA%20Gymnastics/ddreport\\_062617.pdf](https://usagym.org/PDFs/About%20USA%20Gymnastics/ddreport_062617.pdf).

<sup>27</sup> *Maroney*, Case No. BC-687396, Dkt. 1 at 6.

<sup>28</sup> *Id.* at ¶ 72.

<sup>29</sup> See Associated Press, “Aly Raisman speaks out about USA Gymnastics scandal,” August 19, 2017, *available at* <http://olympics.nbcsports.com/2017/08/19/aly-raisman-gymnastics-scandal/>.

responsible.”<sup>30</sup> Even the creation of SafeSport is of limited effect, since it has jurisdiction only over “athletes within the USOC system” and has limited “ability to exert control over the programs it’s been tasked with monitoring.”<sup>31</sup> Most critically, SafeSport explicitly will not address cases that “began before [its] creation” in March 2017.<sup>32</sup>

### **Ruggiero’s Defamatory Statements**

19. Dr. Ungerleider has spent more than 40 years working to deliver and support initiatives that promote fair play, education, and the physical and developmental benefits of sports for youth around the world. Most recently, Dr. Ungerleider has focused on confronting the sexual abuse crisis in gymnastics. Over the last few years, he has talked to more than 100 athletes who have survived this sexual abuse as part of a project that he and a team from the GSD Foundation’s film division are undertaking to ensure that the abuse is properly acknowledged and to serve as an educational resource to help in preventing its recurrence. A common refrain among these survivors is that the USOC and its national governing bodies have consistently failed to confront the sexual abuse crisis by making amends to the survivors and putting in place protections to prevent future abuse.

20. As part of this effort, Dr. Ungerleider had been assembling a high-level commission comprised of former FBI agents, government officials, athletes, physicians, attorneys, and other advocates of clean, healthy sport. The commission was intended to work with the

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<sup>30</sup> *Raisman v. United States Olympic Committee et al.*, Case No. 18-cv-323989 (Cal. Sup. Ct. 2018), Dkt. 1 at 7.

<sup>31</sup> See Alexandra Starr, “Pushing the Limit: What the U.S. Olympic Committee can — and can’t — do about sexual abuse,” *Harper’s Magazine*, November 2017, available at <https://harpers.org/archive/2017/11/pushing-the-limit/?single=1>.

<sup>32</sup> *Id.*

USOC, the IOC and affiliated agencies to address the crisis in amateur sports such as gymnastics and swimming. For example, based on the suggestion of an IOC member, Dr. Ungerleider intended that the commission be organized under a bylaw of Rule 59 of the Olympic Charter, which allows for inquiries into potential violations of the Charter in situation such as this.

21. These efforts were well known to both Ruggiero, a prominent member and director of the USOC and a long-term colleague of Dr. Ungerleider. Dr. Ungerleider was in regular contact with USOC and IOC officials regarding his efforts. Rather than supporting Dr. Ungerleider's efforts to address the sexual abuse crisis, Ruggiero worked to undermine his efforts to force the USOC and its national governing bodies to belatedly address the sexual abuse crisis. In the process, Ruggiero intentionally made false and defamatory statements regarding Dr. Ungerleider and his efforts. This included the following:

- a. In a phone call on or about October 3, 2017 with Arne Ljungqvist, MD, Ph.D, IOC member and founder and chair of the IOC Medical Commission, Ruggiero, who upon information and belief was in Massachusetts at the time, asserted that Dr. Ungerleider fabricated stories of sexual abuse perpetrated against young gymnasts. She further asserted that Dr. Ungerleider was a "fraud" and was manipulating the athletes to make false statements and their allegations in order to exaggerate the sexual abuse crisis. She stated that Dr. Ungerleider was only seeking to create additional problems for the sexual abuse victims. She tried to convince Dr. Ljungqvist that the Medical Commission need not investigate the crisis or discuss it during their meetings.
- b. At a dinner in New York City at the Women's Sport Foundation in October 2017, Ruggiero spoke with Benita Fitzgerald Mosley, a well-known Olympian and advocate for healthy sport. Again, Ruggiero sought to stop Dr. Ungerleider's effort to create a

commission or to bring the issue to the Medical Commission. She again stated that Dr. Ungerleider fabricated information about the sexual abuse crisis and further stated that Dr. Ungerleider's efforts were unnecessary because U.S. authorities had the sexual abuse allegations under control.

- c. Ruggiero also spoke with Dr. Richard Budgett, the IOC's Medical and Scientific Director, on or about October 17, 2017 by phone call, upon information and belief from Massachusetts, to his office in Lausanne. Ruggiero again alleged that Dr. Ungerleider was lying about the extent of the sexual abuse crisis.
- d. In a discussion in late October 2017 with Han Xiao, chair of the IOC Athletes' Commission, Ruggiero stated that he should stay away from Dr. Ungerleider, who she claimed was manipulating the sexual abuse victims to make false statements. Ruggiero told Han that the Athletes' Commission should not get involved in this issue because it would undermine more serious matters, including future Olympic Games bid proposals.

22. Dr. Ungerleider learned of these statements because he knows each of these individuals to whom Ruggiero spoke, and they each reported Ruggiero's false statements to Dr. Ungerleider shortly after they were made. Upon information and belief, Ruggiero made similar false and defamatory statements from or in Massachusetts, among other locations, to other individuals that will be revealed during discovery.

23. As Ruggiero is aware, these statements are categorically false. Dr. Ungerleider has not fabricated the stories of sexual abuse, which have been well documented in the media and in

dozens of complaints that have been filed in state and federal courts in the last decade.<sup>33</sup>

Ruggiero, herself, has been a member of the SafeSport task force, so she is in a position to know about the extent of the sexual abuse.<sup>34</sup> Ruggiero knows that Dr. Ungerleider is not manipulating the abuse survivors, but is working to redress the sexual abuse experienced by these athletes and prevent their recurrence in the future. As a result, Ruggiero made these statements with knowledge that they were untrue, or in reckless disregard of their truth.

24. These statements are *per se* defamatory, in that they are defamatory statements that directly injure Dr. Ungerleider in his profession as a clinical sports psychologist. Dr. Ungerleider's job is to provide psychological treatment to amateur and professional athletes, including those who have suffered trauma such as sexual abuse. Ruggiero's false allegations that Dr. Ungerleider is a fraud, that he is lying about these individuals' experiences and fabricating their stories of sexual abuse, that he is manipulating them, and that he is causing them further harm all directly impact Dr. Ungerleider's professional reputation and his ability to make a living as a sports psychologist. These statements also caused Dr. Ungerleider emotional distress.

25. Upon information and belief, Ruggiero has worked to keep quiet the extent of the sexual abuse crisis in U.S. Olympic sports, in large part, because of her efforts to bring the Olympic Games to Los Angeles, which she believes would be jeopardized should the sexual abuse scandal continue to garner attention. Ruggiero is the chief strategy officer and a member of the

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<sup>33</sup> See, e.g., *Maroney*, Case No. BC-687396, Dkt. 1 at ¶ 72; *Doe v. Doe et al.*, Case No. 34-2016-00200075 (Cal. Sup. Ct. 2016) (sexual assault complaint of Olympic medal-winning gymnast against Larry Nassar and others); *Denhollander et al. v. Michigan State Univ. et al.*, Case No. 17-cv-00029-GJQ-ESC (W. D. Mich. 2017) (complaint from 22 gymnasts against Nassar and others).

<sup>34</sup> See Women's Sports Foundation, "USA Swimming Faces Lingering Doubts Over Sexual Abuse," (Aug. 29, 2013), available at <https://www.womenssportsfoundation.org/sports/usa-swimming-faces-lingering-doubts-over-sexual-abuse/>.

board of directors for Los Angeles Olympic Exploratory Committee, (originally known as “LA2024,” but now “LA2028”), the bid committee to host the Games.<sup>35</sup> The IOC, of which Ruggiero is also a member, awarded Los Angeles the 2028 Games in September 13, 2017.<sup>36</sup> Ruggiero did not want anything to jeopardize these efforts, in part because Ruggiero profited from them. As part of the bidding process, LA2028 paid Ruggiero Sports Ventures LLC, a company owned by Ruggiero, at least \$60,000 in consulting fees.<sup>37</sup>

### *Defendants’ Tortious Interference*

26. On November 6, 2017, Dr. Ungerleider, through his attorneys, sent Ruggiero a cease and desist letter, demanding that she stop defaming Dr. Ungerleider and that she retract these defamatory statements and any others that she may have made. Ruggiero, through her attorneys, responded on November 22, 2017. In her response, Ruggiero denied making any such statements despite the multiple witnesses and therefore refused to retract them.

27. Shortly after Ruggiero’s attorneys denied her involvement in the defamatory statements, on or about November 28, 2017, USOC Managing Director of Bids and Protocol Chris Sullivan and USOC Foundation President Jon Denney called David Ulich, President and General Counsel for the GSD Foundation. The GSD Foundation, for which Dr. Ungerleider serves as a trustee and vice president, is a grant-making organization that, among other things, supports

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<sup>35</sup> David Wharton, “Federal Tax Documents Detail Spending by LA 2024’s Campaign to Bring Olympics to Los Angeles,” *Los Angeles Times*, available at <http://www.latimes.com/sports/olympics/la-sp-la24-tax-documents-20170616-story.html>.

<sup>36</sup> USOC, “Los Angeles Awarded 2028 Olympic And Paralympic Games,” (Sept. 13, 2017), available at <https://www.teamusa.org/News/2017/September/13/Los-Angeles-Awarded-2028-Olympic-And-Paralympic-Games>; see also Form 990 for Los Angeles 2024 Exploratory Committee, at 45-46, available at [http://990s.foundationcenter.org/990\\_pdf\\_archive/472/472018941/472018941\\_201607\\_990.pdf](http://990s.foundationcenter.org/990_pdf_archive/472/472018941/472018941_201607_990.pdf).

<sup>37</sup> David Wharton, “Federal Tax Documents Detail Spending,” *supra*.

international organizations that fight against social injustice for the most vulnerable youth, and organizations that implement sports and educational development programs that create long-lasting and sustainable change for youth around the world.

28. The USOC officials called to berate Mr. Ulich as a result of the dispute between Dr. Ungerleider and Ruggiero, even though the GSD Foundation had no role in that dispute and even though Dr. Ungerleider had no role in creating it. Mr. Sullivan stated that the dispute had cost the USOC hundreds of thousands of dollars, presumably because the USOC decided to pay Ruggiero's legal fees. He informed Mr. Ulich that the USOC was, as a result of Dr. Ungerleider's letter, terminating all contracts between the USOC and the GSD Foundation. This includes, among many programs, the Playmakers Program, in which the GSD Foundation sends at-risk youth to the Olympic Games and to the U.S. Olympic Training Center in Colorado Springs to work with trainers and coaches.

29. Mr. Ulich informed the USOC representatives that he had no knowledge of any dispute between Ruggiero and Dr. Ungerleider and that the GSD Foundation had no role in the matter. As a result, Mr. Ulich suggested that the USOC communicate its complaints directly to Dr. Ungerleider, which Mr. Sullivan did in a conference call the next day in which Mr. Ulich also participated. Mr. Sullivan informed Dr. Ungerleider that, in addition to the USOC's actions against the GSD Foundation, the USOC was removing Dr. Ungerleider from various positions that he holds, including the following positions:

- a. attaché for the USOC Cultural Affairs Commission;
- b. trustee for the U.S. Olympic and Paralympic Foundation;
- c. board member of the Athlete Career Education Program;

- d. member of the Los Angeles Organizing Committee for the Olympic and Paralympic Games 2028;
- e. consultant with the World Anti-Doping Agency; and
- f. ongoing work on behalf of the USOC with the Los Angeles school districts.

30. In addition, the USOC terminated Dr. Ungerleider's appointment to the USOC Sport Psychology Registry, which he had held for more than 30 years. The Registry is a critical referral for athletes in need of counseling, and a critical credential for sports psychologists in their profession.<sup>38</sup> As a sports psychologist for more than three decades, Dr. Ungerleider has treated hundreds of athletes from all levels, including professional sports, college and high school sports, and Olympic sports. Dr. Ungerleider has spoken with dozens of athletes regarding the sexual abuse that has plagued gymnastics, swimming, and other sports. It was for this reason that Dr. Ungerleider has been working to create a commission to address this issue with the USOC and IOC.

31. The loss of the appointment on the USOC Sport Psychology Registry has negatively impacted Dr. Ungerleider's business and his ability to attract new patients. Because he is no longer listed on the registry, Dr. Ungerleider has been cut off from a critical source of new referrals. Because he now lacks this credential and other ties with the USOC, he will have greater difficulty in booking speaking engagements and getting media interest, both of which are also sources for new referrals of patients.

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<sup>38</sup> See Chris Carr, "Counseling the Elite Athlete," *National Psychologist* (May 15, 2014), available at <http://nationalpsychologist.com/2014/05/counseling-the-elite-athlete/102491.html> (sports psychologist giving advice to fellow clinicians seeking to establish a practice in the field, with the first piece of advice being to "[e]stablish a referral network of providers" through the USOC Sport Psychology Registry).

32. Upon information and belief, the USOC removed Dr. Ungerleider from these posts as a direct result of Ruggiero's improper actions in retaliation against Dr. Ungerleider. Ruggiero is very familiar with Dr. Ungerleider and his various roles with the USOC. She is a director and prominent member of the USOC, and she and Dr. Ungerleider have known each other and worked together for many years. She has been well aware of Dr. Ungerleider's work on behalf of the young survivors of sexual abuse at the hands of coaches, doctors and others employed or certified by the USOC and its national governing bodies.

33. Ruggiero interfered in this effort, first by falsely stating that Dr. Ungerleider was manipulating his clients and other survivors of the sexual abuse described above by lying about the sexual abuse they suffered, and then by acting with the USOC to deprive Dr. Ungerleider of present and future business opportunities as a result of his advocacy. Ruggiero intentionally induced the USOC to terminate Dr. Ungerleider's various posts with the USOC, and the USOC did so, to Dr. Ungerleider's detriment.

**COUNT I – DEFAMATION**  
**(against Defendant Ruggiero)**

34. Dr. Ungerleider repeats the allegations contained in paragraphs 1 to 33.

35. Ruggiero published at least the false statements concerning Dr. Ungerleider to Olympic officials referenced above in paragraph 21.

36. Ruggiero's defamatory statements were made with the intent to harm Dr. Ungerleider's good name and reputation by, among other things, falsely stating that he was a fraud and a liar, of fabricating the extent of the sexual abuse crisis, and of manipulating the survivors, as specifically described in the preceding paragraphs of this Complaint.

37. Ruggiero's statements to the USOC and IOC officials referred to above are defamatory *per se* in that they injure Dr. Ungerleider in his profession as a sports psychologist and

author. These statements tended to hold the plaintiff up to scorn, hatred, ridicule, or contempt in the minds of a considerable and respectable segment of the community, and they tend to so harm Dr. Ungerleider's reputation as to lower him in the estimation of the community and deter third persons from associating or dealing with the plaintiff.

38. Ruggiero acted with actual malice in that she made these statements with knowledge that they were untrue, or with reckless disregard as to their truth.

39. Since the statements' publication, Ruggiero has refused to retract them or even acknowledge that she made them. Dr. Ungerleider has suffered emotional distress and pecuniary harm as a result of Ruggiero's conduct.

40. As a direct and proximate result of Ruggiero's intentional and malicious publication of false and defamatory statements, Dr. Ungerleider has been and will continue to be damaged and injured in his character and reputation.

**COUNT II – TORTIOUS INTERFERENCE**  
**WITH ADVANTAGEOUS BUSINESSS RELATIONS**  
**(against Defendant Ruggiero)**

41. Dr. Ungerleider repeats the allegations contained in paragraphs 1 to 40.

42. Dr. Ungerleider had a business relationship with the USOC, which appointed Dr. Ungerleider to a series of posts, including to the USOC Sport Psychology Registry. Dr. Ungerleider regularly performed work on behalf of the USOC, serving on various committees and performing outreach on behalf of the USOC. The USOC terminated these appointments as a direct result of Ruggiero's interference.

43. Dr. Ungerleider also engaged in business relationships with third parties – including hundreds of amateur and professional athletes for whom he provides and has provided clinical services – that resulted from his affiliation with the USOC, including the Registry. Based

on his affiliation with the USOC, Dr. Ungerleider built a clinical practice providing counseling to professional and amateur athletes for a range of psychological conditions and issues. In the absence of that affiliation, which was wrongly terminated by the USOC, Dr. Ungerleider cannot attract new counseling clients, thereby endangering his livelihood.

44. Ruggiero was well aware of these business relationships as a director of the USOC and a long-time colleague of Dr. Ungerleider.

45. Ruggiero intentionally interfered with these relationships, improperly inducing the USOC to terminate them in retaliation against Dr. Ungerleider's work on behalf of survivors of sexual abuse, which Ruggiero viewed as threatening her work to bring the Olympic Games to Los Angeles. Ruggiero acted with the sole purpose of injuring Dr. Ungerleider.

46. As a result of Ruggiero's interference, Dr. Ungerleider lost these positions with the USOC to his economic detriment. Dr. Ungerleider has suffered losses in excess of \$75,000, in an amount to be determined at trial.

**COUNT III – TORTIOUS INTERFERENCE**  
**WITH PROSPECTIVE BUSINESS RELATIONS**  
**(against Defendants USOC and Ruggiero)**

47. Dr. Ungerleider repeats the allegations contained in paragraphs 1 to 46.

48. By improperly acting to terminate Dr. Ungerleider's appointments to various USOC posts, Defendants intentionally interfered with Dr. Ungerleider's prospective business relations with potential clients for psychological services.

49. Both USOC and Ruggiero were well aware of these potential business relationships. The entire purpose of the Registry, which the USOC maintained, was to provide a list of USOC-approved psychologists for amateur athletes to use for any such services. Ruggiero

was aware of this arrangement as a director of the USOC and a long-time colleague of Dr. Ungerleider.

50. Defendants intentionally interfered with these relationships by acting to improperly remove Dr. Ungerleider from the Registry and from other USOC posts in retaliation against Dr. Ungerleider's work on behalf of survivors of sexual abuse, which Defendants viewed as threatening the Olympic Games in Los Angeles. Defendants acted with the sole purpose of injuring Dr. Ungerleider. In doing so, Defendants prevented Dr. Ungerleider from acquiring or continuing the prospective business relationships.

51. As a result of Defendants' interference, Dr. Ungerleider has lost, and will continue to lose, these prospective business relationships to his economic detriment. Dr. Ungerleider has suffered losses in excess of \$75,000, in an amount to be determined at trial.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Dr. Ungerleider requests that this Court enter an order:

1. Awarding compensatory damages in an amount to be determined at trial;
2. Awarding costs and expenses for this action, including attorneys' fees, as allowable by law;
3. Awarding punitive damages;
4. Awarding such other and further relief as this Court deems just and equitable.

#### **DEMAND FOR A JURY TRIAL**

Plaintiff Dr. Steven Ungerleider demands a trial by jury on all issues so triable.

/s/ Meredith Leary

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**COUNSEL FOR PLAINTIFF  
DR. STEVEN UNGERLEIDER**

Dated: March 16, 2018