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October 28, 2015

Almira Vazdarjanova, PhD  
Chair, Grievance Committee  
Faculty Senate, Georgia Regents University ("GRU"; soon to be Augusta University, "AU")  
Augusta, GA

Dear Dr. Vazdarjanova and members of the Committee:

I enclose my grievance statement herewith. In my statement, I have striven, on the one hand, to provide enough technical details to substantiate my allegations and, on the other hand, to make the material understandable to those who may not be familiar with the technical minutiae of animal research critical to this case.

I provide documentary evidence, organized in various suitably named folders herein. The evidence includes sworn affidavits and pictures. Please be advised that some of the pictures are a bit gory, and therefore may be disturbing to those who are not used to viewing such pictures.

As outlined in the enclosed documents, my main request to the Committee is that, given the seriousness of the potential criminal and civil violations of the law alleged herein, and given the various conflicts of interest that various GRU administrators have in this case, the Committee recommend to GRU administration that:

- This case be referred to federal and state prosecutors for an independent external investigations, and
- GRU administration closely involve the Faculty Senate in overseeing that this referral process is carried out in a fair, transparent and principled manner.

I recognize that this is a novel territory for the Committee and the Senate, because (i) this is an unusual whistleblower grievance (as opposed to a conventional grievance where the grievant is a single person), where there is a lot at stake for the University as a whole (and not just for me personally); (ii) many GRU administrators with a potential conflict interest are on the other side of this grievance; and (iii) the underlying Senate procedures are brand new, without any precedents directly relevant to a case of this sort.

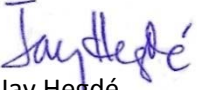
However, I know that when the faculty representatives of a university confront novel cases in a principled and assertive manner, it can be beneficial to the whole institution. I am especially inspired in this regard by how the University of Minnesota Faculty Senate handled the recent Dan Markingson case (<http://www1.umn.edu/usenate/resolutions/131205panelres.html>).

I respectfully ask that you and your Committee provide similar adult supervision and moral leadership sorely needed in this case for the long term good of our University.

In my grievance statement, I have tried by best to be as brief as possible while providing as much detail as possible to make my statements understandable and credible. However, if you need additional evidence/documents to support any of my statements, I respectfully urge that you please not conclude that I do not have them, but instead give me a chance to produce the needed supporting information.

Thank you very much for considering my grievance.

Sincerely,



Jay Hegdé

Enclosures

**Whistleblower Grievance**  
**An Informal, Good-Faith (but Admittedly Not Exhaustive) Summary**

Complainant/Grievant: Jay Hegdé, PhD  
Associate Professor  
Georgia Regents University ("GRU") (soon to be Augusta University, "AU")  
Augusta, GA 30912



October 28, 2015

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**List of Key Abbreviations:**

AAALAC Intl. = American Association for the Accreditation of Laboratory Animal Care, International  
APHIS = Animal and Plant Inspection Service (U.S. Department of Agriculture)  
CERM = Compliance and Enterprise Risk Management (of Augusta University)  
DEA = Drug Enforcement Agency  
GCEO = Georgia Commission on Equal Opportunity  
IACUC = Institutional Animal Care and Use Committee  
IO = Institutional Official (of Augusta University)  
OLAW = Office of Laboratory Animal Welfare (National Institutes of Health)  
LAS = Laboratory Animal Services  
NHP = Non-human primate (specifically monkey, in the present context)  
NIH = National Institutes of Health  
NSF = National Science Foundation  
SVPR = Senior Vice President for Research (of Augusta University)  
USDA = U.S. Department of Agriculture

**Monkey Info**

<b>Monkey Chest Tattoo</b>	<b>Alias</b>	<b>Alive?</b>
AC70	Ovechkin	No (died on Jan. 7. 2014)
24Q	Crosby	?? (GRU has hidden all the documents from me)

## SECTION A. EXECUTIVE SUMMARY OF GRIEVANCE

A.1. I have done nothing wrong whatsoever, nor has anyone accused me any wrongdoing, in this entire case. GRU has admitted as much on more than one occasion. However, I have been gravely and materially aggrieved in this case.

A.2. This case started with the death of a monkey in my federally funded research program at Georgia Regents University (hereinafter “GRU”) on January 7, 2014. The animal’s death was due to an apparent overdose of a narcotic painkiller administered by GRU veterinarian after an otherwise successful surgery.

A.3. I found out, over the ensuing several weeks after the aforementioned death of the monkey, about a series of disturbing aberrations in the handling of the aftermath of the monkey’s death by GRU authorities, including, but not limited to, doctoring of regulatory documents presumably to make the death not reportable to federal authorities.

A.4. When I complained about the falsifications and other possible serious illegal activities, GRU authorities unleashed a series of blatantly retaliatory actions against me over the ensuing months including, but not limited to, shutting down my fully compliant animal research program, using a variety of ruses to deny the renewal of my animal research protocol and successfully directing the National Science Foundation (NSF), whose grant funded my entire animal research program, to terminate my grant. The cumulative effect of these actions has been that my successful animal research program has been destroyed, and my career has been irreparably damaged, although I have done absolutely nothing wrong.

A.5. During the past year and a half, with the University Advocate and the Faculty Senate Ombudsman acting as independent observers, I have tried every means I could think of to obtain redress of my grievance from GRU officials, all to no avail. Given the seriousness of the violations of the law I have witnessed, I have also repeatedly asked GRU authorities to refer this case to external law enforcement authorities for an independent investigation<sup>1</sup>, again to no avail. Instead, GRU authorities have carried out multiple, demonstrably bogus internal investigations that the Respondents (listed in Appendix 1) played a crucial role in conducting.

The overarching effect, and perhaps the intent, of these internal investigations has been to cover up the wrongdoing while at the same time systematically denying and delaying my access to information that is directly relevant to this case in general and this Grievance process in particular. It is also apparent that GRU officials have also used various official mechanisms to ‘run out the clock’ during various stages of this 22-month long saga, including this Grievance process. For instance, as recently as September 2, 2015, one of the Respondents, Mr. Melcher, insisted, self-evidently falsely, that GRU had “fully complied with all your prior requests” for information<sup>2</sup>. But when I requested the same documents under the same law through my attorney, lo and behold, Mr. Melcher’s office found additional material to be released after all!

A.6. Altogether, the violations of the federal and state laws by GRU officials that I firmly believe I have witnessed include, but are not limited to: deliberate falsification of records; knowing about serious violations of the law and failing to take action; tampering with/destruction of evidence and other forms of cover-up; fraud; deliberate foot-dragging with respect to internal investigations and other official actions to ‘run out the clock’ on various statutes of limitation; and intimidation of, and retaliation against, GRU employees (including, but not limited to,

<sup>1</sup> See, e.g., “JayHegd \_cover\_letter.pdf” in the folder “Documents submitted to Mr. Rush\Submitted\_August2014”; “JayHegd \_request\_08March2015.pdf” in the folder “Documents submitted to Mr. Rush\Sworn\_affidavits\_submitted\_08March2015”; “Follow-up to 20 Nov 2014 Meeting with Ms. Angelica Hardison.pdf” in the folder “Misc communications”.

<sup>2</sup> See “Email from Mr. Melcher 02 September 2015.pdf”, “GRU.OPEN RECORDS REQUEST 01 oct 2015.pdf” and “GRU.OPEN RECORDS REQUEST 07 oct 2015.pdf” in the folder “Misc documents related to GRU internal investigations”.

myself) by GRU officials for reporting concerns about documentation and animal care welfare. I have also witnessed what I strongly believe to be instances of GRU officials lying to federal and state government authorities, and conspiracy to lie to government authorities

It is noteworthy that GRU has never explicitly denied any of these violations presumably because denying an unlawful act is itself unlawful. For instance, concerning the falsification of the documents, GRU has not asserted the documents are authentic and are not falsified. Instead, they have issued artful, dodgy non-denial-denials such as that some "...individuals were specifically interviewed about potential changes in the record. None were offered."<sup>3</sup>

No wonder GRU can't find any violations of the law, because they've tried so hard not to find any! And no wonder government officials have not found any violations either, because they have, out of necessity, taken GRU at its word and GRU has consistently failed to tell them the truth and the whole truth (which itself is unlawful).

A.7. My standing in the case arises both (i) as a whistleblower who is reporting a matters of general concern to entire GRU faculty and GRU community as a whole and (ii) as someone whose research has been materially, severely and irreparably harmed by the said actions by GRU authorities. What I describe herein are no means isolated incidents and has broad effect on the integrity and the reputation of our university. Thus, in a real sense, the entire GRU faculty is also a Grievant in this case, not just me.

For this reason, I respectfully request that the Committee treat this complaint as what it is: a whistleblower grievance (as opposed to a conventional grievance where the grievant is a single person) that pertains to broader issues (*i.e.*, that of the integrity of research enterprise and of the basic academic freedom of reporting wrongdoing without the fear of retaliation) that are of broad interest to GRU faculty, and not just to me an individual Complainant.

A.8. I submit herewith four (4) sworn affidavits<sup>4</sup> attesting to some of the key facts of this case. If necessary, I will be happy and eager to repeat all the statements in this document under oath, take lie detector tests, and/or provide any additional evidence I can. Also, my efforts to obtain documents from GRU that are directly relevant to this case are ongoing, but GRU is making it very hard for me to obtain the records. If I obtain any additional evidence that are germane to this case, I will be happy to turn them over to the Committee if the Committee so desires.

A.9. My main request to the Committee (see Section C) is that, considering the serious nature of the violations I have witnessed and the lack of authority, ability and/or willingness of GRU to investigate these violations as described below, the Committee make a clear-cut recommendation that GRU refer this case to federal and state prosecutors for independent investigation/s.

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<sup>3</sup> See p. 4 of "ORR Response LT Wolff 11242014.pdf" in the folder "Records obtained from GRU through GA Open Records Law requests\GaOpenRecReq\_14July2015".

<sup>4</sup> See the folder "My sworn affidavits"

## SECTION B. A BRIEF, ROUGHLY CHRONOLOGICAL, BUT NON-EXHAUSTIVE<sup>5</sup>, SUMMARY OF SALIENT FACTS

### B.1. Background information about myself: I am a fully compliant, successful faculty member in good standing

My name is Jay Hegdé. I am a tenured Associate Professor and a brain researcher at GRU. My research is funded by several federal agencies, including the National Institutes of Health (NIH), National Science Foundation (NSF), and the U.S. Army. Even GRU (Georgia Health Sciences University at the time) has acknowledged my success in my job – I am not saying this is to be immodest, but only to establish that I have been a good employee of GRU -- with a University-wide Emerging Scientist Award in 2012, and tenuring me at the earliest eligibility.

The present case concerns a study of mine that was funded by NSF until recently. It involved neurophysiological recordings in awake, behaving macaque monkeys (species name: *Macaca mulatta*, or rhesus monkey). (Grant Title: “Recognition of Occluded Objects as Statistical Inference: A Neurophysiological Study in Awake, Behaving Monkeys”) As noted below, this grant has now been terminated specifically at GRU’s express request and behest<sup>6</sup>, even though I have done nothing wrong whatsoever.

As noted above, I have done nothing wrong whatsoever, nor has anyone accused me any wrongdoing, in this case. Indeed, GRU has indicated as much to the federal authorities in writing and have said so in the presence of witnesses, including the GRU University Advocate. More generally, I have always been in full compliance with any and all animal research protocols and other requirements, and have never been accused of, or cited for, any non-compliance or any wrongdoing of any kind.

All statements herein should be taken as statements of grievance/complaint by a whistleblower about a matter that is of concern both to the GRU faculty and GRU community in general, and myself as a faculty member in particular. All statements herein are the best reflections of my belief, and are true to the best of my knowledge and belief. I will be happy to reiterate, or elaborate on, any/all of these statements under oath.

Also, I am a scientist by profession; I have no legal training whatsoever. Thus, the statements herein are my good-faith statements that reflect my belief in my own words as a layperson, and not the finely honed, legally rigorous arguments of a legal professional.

I respectfully request that, if at all practicable, this document **not** be provided to any GRU administrator who may have a conflict of interest in this case. This is because I have legitimate reasons to believe that, on previous occasions, one or more GRU officials have used the information gleaned from me and/or other witnesses to unlawful ends, including covering up prior violations of the law.

#### B.1.1. The imperfect oversight mechanisms of animal research: A brief, informal overview

Animal care in U.S. universities is regulated by two different federal agencies: The matters related to veterinary care and welfare of the animals is regulated by USDA (US Department of Agriculture), specifically through a division therein called the APHIS (Animal and Plant Inspection Service; <http://www.aphis.usda.gov/wps/portal/aphis/home/>).

As noted above, my monkey research was until recently funded by the NSF ([www.nsf.gov](http://www.nsf.gov)). NSF does not have its own mechanisms for regulating/inspecting animal research; it instead relies on the Office of Laboratory Animal Welfare (OLAW) of the National Institutes of Health (NIH). Indeed, the program officer who admin-

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<sup>5</sup> In interests of brevity, I have stated herein only those facts that I deem crucial to the case. If the Committee desires, I will be happy to provide any and all additional documents I have, including the emails. I estimate that all the documents arguably relevant to this case will come to about 1000 gigabytes or so.

Also, in the supporting documents that I do submit herewith, all balloon comments, all annotations, all labeling of photographs, and virtually all highlights are mine. There were some underlines and redactions in the documents I received through legal requests. But hopefully, they are distinguishable, in context, from my highlights, annotations, and comments.

<sup>6</sup> I firmly believe this is to be a continuing pattern of retaliations against me by GRU officials for having blown the whistle.

istlers my grant at NSF told me that NSF is forbidden by law to launch its own investigations into anything research-related. As to OLAW's regulatory powers over animal research, I understand they apply regardless of whether the research in question is funded by NIH.

I believe GRU has skillfully exploited the fact that no single government agency has jurisdiction over all aspects of this large, complex case to try and cover up the whole case. This is among the reasons why I believe this case needs to be looked at by prosecutor/s with the ability to examine all aspects of the case.

Per federal regulations, animal research within universities is regulated an intramural body named IACUC (Institutional Animal Care and Use Committee; <http://www.gru.edu/research/iacuc/>). The structure and function of IACUC is mandated by federal regulations.

The narcotics used in the animal research (e.g., anesthetics during surgery, analgesic [painkillers] used after the surgery) are regulated by, in addition to the Drug Enforcement Agency (DEA), the State of Georgia. A variety of State of Georgia agencies have jurisdiction over other potential aspects of the case, such as discrimination, retaliation etc.

Within GRU, the Office of Compliance & Enterprise Risk Management (CERM; <http://www.gru.edu/compliance/>) is ultimately in charge of ensuring compliance with all laws and regulations. This office is headed by GRU's Chief Integrity Officer, Mr. James Rush.

## **B.2. How it all started: A monkey (AC70, 'Ovechkin') died under suspicious circumstances**

B.2.1. One of the only two animals enrolled in my NSF-funded research program, a male monkey named AC70 (or 'Ovechkin') died on January 7, 2014 from an apparent overdose of painkiller narcotic (or some other substance) administered by one of the veterinarians, Dr. Daniel Moralejo, following a routine, successful cranial (skull) surgery performed by me (see Appendix 3 for additional details). The surgery itself went without a hitch, and the animal clearly woke up from the surgery<sup>7</sup>. Dr. Moralejo administered the painkiller injected just before the animal was to be put back in his cage for overnight recuperation, the animal simply keeled over and died. Specifically at my request, the diseased animal's blood was drawn for toxicological testing to determine the cause of death.

B.2.2. Necropsy on the following day was carried out by the same veterinarian (Dr. Moralejo), accompanied by a junior vet (Ms. Andrea Saucedo). The two vets examined various parts of the body cavity, while I simultaneously examined the head and especially the surgical site. Both the vets and I took pictures of the parts that we examined. The chief veterinarian (Dr. Victor Monterroso) was not present at any time during the surgery or the necropsy.

B.2.3. A fellow monkey researcher, Dr. Charles M. Gray of Montana State University, Bozeman, MT participated as a co-surgeon in, and was present throughout, the surgery on Jan. 7<sup>th</sup>, and witnessed the animal's death (although his travel plans did not allow him to stay for the necropsy the following day). I understand that Dr. Gray also thinks the animal woke up from the surgery, and that the animal's death was due to drug overdose.<sup>8</sup>

## **B.3. There have been multiple instances serious misconduct and suspicious activity in the handling the aftermath of AC70's death**

B.3.1. I was unaware until January 24, 2014 that anything was amiss. It is important to note that, in the interests of continuing to maintain harmonious relations with the vets and because I was terrified of Dr. Mark Hamrick

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<sup>7</sup> See "Affidavit\_1\_Dr.Jay Hegde\_Death\_of\_Ovechkin\_27February2015.pdf" and "Affidavit\_2\_Dr.Jay Hegde\_Falsification\_of\_records\_27February2015.pdf" in the folder "My sworn affidavits". Also see Appendix 3 below.

<sup>8</sup> It is noteworthy that when GRU investigators talked with Dr. Gray, they clearly skirted the whole question of whether he thought the animal woke up from the surgery and how he thought the monkey died. Indeed, it is clear that GRU avoided asking him about any of the questions crucial to the case, such as the mode of death, so that GRU could claim that Dr. Gray did not say anything that was damning to their cover story; see pp. 5-6 of "Case Report.pdf" in the folder "Records obtained from GRU through GA Open Records Law requests\Documents from Mr.Rush's investigation".



(then the Senior Vice President for Research and Institutional Official or “IO”<sup>9</sup>) and Dr. Stepp, I did not complain or express any sentiment that is even remotely negative about the vets regarding the loss of my monkey, even though it was a devastating blow to my then-ongoing, federally funded study. (Thus, Dr. Moralejo’s recorded statement to GRU investigators<sup>10</sup> that I made sarcastic remarks etc during the necropsy is simply a libelous lie.)

Thus, the retaliations described below started not because I complained about the animal’s death (I did not), but because I complained about fraud by GRU officials, such the falsifications of the federally regulated documents.

B.3.2. I was awaiting the result of the blood tests when, starting on January 24, 2014, I began to learn of various irregularities in the way the vets had handled the aftermath of the animal’s death. For one thing, the vets had kept the IACUC completely in the dark about the animal’s death, although per GRU rules, they are required to submit a written report to the IACUC asap. (Dr. Monterroso confirmed to me during our one-on-one meeting on March 4, 2014 that a written report had not been filed as of that date. Mr. Rush’s investigation<sup>11</sup> also confirmed these violations.)<sup>12</sup>

B.3.3. The IACUC chair at the time<sup>13</sup>, Dr. David Stepp, sought me out for the details, since he was unable to find out the details about the incident from the vets. During our one-on-one meeting on January 27, 2014<sup>14</sup>, I told him what I had witnessed, and three things he said were particularly noteworthy:

(i) That he thought this is was a very “clear-cut case of OD death” (meaning overdose death).

(ii) That he thought the vets were engaged in a cover-up, among other things because they had completely hidden the death from the IACUC<sup>15</sup>. He also said that this was not the first case in which the vets turned out to be incompetent, “but it’s not the incompetence that kills these folks, it’s the cover-up such as this”.

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<sup>9</sup> IO is a federally mandated position with statutory responsibility to ensure compliance to the Federal and state laws and regulations, and, on behalf of the institution, obligates the institution to the Terms of the Assurance.

<sup>10</sup> See p. 7 of “Case Report.pdf” in the folder “Records obtained from GRU through GA Open Records Law requests\Documents from Mr.Rush’s investigation”.

<sup>11</sup> See “Case Report.pdf”, *ibid*.

<sup>12</sup> GRU not revealed even the existence of this post-mortem blood (let alone the botched results). On the contrary, GRU has made demonstrably false statements to the federal government asserting that the post-mortem blood sample was not available. For instance, in their December 19, 2014 letter to OLAW, Drs. Stepp and Diamond stated, “...Some records were requested that were nonexistent (post-mortem blood work)” (see p. 2 of “ORR Response LT Wolff 12192014.pdf” in the folder “Records obtained from GRU through GA Open Records Law requests\GaOpenRecReq\_14July2015” ). This demonstrably false and misleading, since post-mortem blood, and (botched) blood work, did exist, as shown by GRU’s own records (see “24Q submission form.pdf” and “24Q Antech Results.pdf” in the folder “Documents submitted to Mr. Rush\Submitted\_August2014\Folder 1 - Ovechkin (AC70)’s death and the aftermath”). **It is my understanding that lying to the federal government is a felony.**

<sup>13</sup> Dr. Michael Brands, a member of the IACUC ever since this case began, has since succeeded Dr. Stepp as the IACUC chair.

<sup>14</sup> See “Email 8\_27Jan2014.pdf” in the folder “Documents submitted to Mr. Rush\Submitted\_August2014\Folder 1 - Ovechkin (AC70)’s death and the aftermath”.

<sup>15</sup> Dr. Stepp had had a noteworthy tone change of heart by the end of this eventful week. During our Monday, Jan. 27<sup>th</sup> meeting, he not only indicated that he thought that this was a clear-cut case of overdose followed by attempted cover-up by the vets, but he also expressly said that he was going to demand the toxicology results from the blood-test (*i.e.*, pharmaceutical tests to determine the cause of death) when met with Drs. Hamrick and Monterroso later in the week. But by the end of that workweek (Friday, Jan. 31<sup>st</sup>), he simply wanted everyone to put this behind them and “move on”.

I suspect that Dr. Mark Hamrick, GRU’s Senior Vice President for Research at the time (who has the final say on all research matters at GRU), pressured Dr. Stepp to fall in line. Both Drs. Stepp and Monterroso report directly to Dr. Hamrick. It was commonly known that Drs. Stepp and Monterroso were feuding on different issues for months before this. Therefore, it stands to reason that their boss, Dr. Hamrick, may have something to do with why Drs. Stepp and Monterroso were in apparent agreement on this by Friday, January 31, 2014.

(iii) That he had scheduled a meeting about this matter with Drs. Hamrick and Monterroso that Friday (Jan. 31st) and that he would forcefully demand the results on the toxicology tests performed on the post-mortem blood samples.

B.3.4. After the above disturbing conversation with Dr. Stepp, I went looking for the vets (Dr. Victor Monterroso, Dr. Daniel Moralejo and Ms. Andrea Saucedo) to express my concerns and ask about the results of the blood tests, but was unable to find any of the vets. Later in the day (*i.e.*, January 27, 2014), one of the vets, Ms. Saucedo, called me on the phone and told me that the results of the blood test were received but were “accidentally shredded”, and she confirmed the shredding in an email later in the day.<sup>16</sup>

The talk of shredding was highly disturbing to hear, especially after Dr. Stepp had indicated he thought the vets were seeking to cover up the whole incident. I politely expressed my concerns about the various irregularities to her on that day and to the other two vets, Drs. Monterroso and Moralejo, on couple of occasions afterwards, but they each got defensive about what I was expressing.

B.3.5. As alluded to above and as can be verified by the email exchanges<sup>17</sup>, my relationship with the vets was quite warm and cordial until about the end of January 2014. Even the death of AC70 and my expressions of concern on January 27<sup>th</sup> had not soured it. But the attitude of all three vets (Drs. Monterroso, Moralejo and Ms. Saucedo) started to change starting at the very end of January 2014 when I started my push for the documents about the how animal’s death and its aftermath.

B.3.6. In the meantime, I had continued to informally urge the veterinarians to set the regulatory record straight, clearly much to their chagrin. This is when the retaliations started. The first clear event of retaliation I noticed was when on Feb. 11, 2014, Dr. Monterroso cancelled a surgery on the remaining monkey, Crosby, that had been scheduled several weeks earlier.

B.3.7. GRU has, to date, refused to give me copies of the surgical log and the necropsy report, even though my grant paid for these procedures. They said they fear that the documents may “fall into the wrong hands”<sup>18</sup>. This email said they would simply show me the documents, without giving me a copy.

Indeed, GRU has never given me any of the documents related to my animals, even though I was entitled to them as the Principal Investigator and my federal grant paid for their care. I have had to spend over \$1100 of my own money in GRU’s document fees alone<sup>19</sup> to obtain these documents from GRU through requests under the laws such as Georgia Open Records Law. It is worth noting that, during this same period, GRU has provided animal-related documents to other GRU investigators. Clearly, GRU thinks that they can get away with such discriminatory treatment with impunity, and so far they have been proven right.

B.3.8. After my repeated requests, Dr. Monterroso finally showed me, during a one-on-one meeting with me three weeks later, on February 24, 2014, what he claimed was the official necropsy report. This report was clearly falsified, in that it both omitted some key details (including any mention of the pictures taken during the

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Thus, the email exchanges, phone calls and in-person meetings during this week (Monday, Jan 27th through Friday, Jan 31st) deserve particular scrutiny during the discovery phase of the case.

<sup>16</sup> See “Email 5\_28Jan2014.pdf” in the folder “Documents submitted to Mr. Rush\Submitted\_August2014\Folder 1 - Ovechkin (AC70)'s death and the aftermath”.

<sup>17</sup> See, *e.g.*, “Misc communications/RE\_Sedation.pdf” addressed to both Ms. Saucedo and Dr. Moralejo.

<sup>18</sup> See “Email 3\_31Jan2014.pdf” in the folder “Documents submitted to Mr. Rush\Submitted\_August2014\Folder 2 - Cancellation of Crosby (24Q)'s surgery”.

<sup>19</sup> See, *e.g.*, “Hegde Itemization of Time & Costs.pdf” in folder “Records obtained from GRU through GA Open Records Law requests\GaOpenRecReq\_15Apr2015” and “GRU.OPEN RECORDS REQUEST 01 oct 2015.pdf” and “GRU.OPEN RECORDS REQUEST 07 oct 2015.pdf” in the folder “Misc documents related to GRU internal investigations”.

necropsy<sup>20</sup>) but, even more significantly, included several obviously deliberate fabrications multiple crucial details. (Please see my sworn affidavits<sup>21</sup>. Also see "Appendix 5. Evidence that the Necropsy Report was Tampered With") To the best of my knowledge and belief, falsifying a document subject federal regulation, such as the necropsy report, is a felony.

When I realized that Dr. Monterroso was showing me a falsified document, I flatly told him so. He did appear the least bit surprised. Instead, he got flustered, defensive and upset.

I also asked him to show me the surgical logs. He again got flustered, and said it would be very hard and time consuming to find them. I asked him why it would be so, especially since these were exactly the documents everybody in the loop including me had been asking for some time. He did not have a satisfactory reply, but instead said that he will try to find them.

(During this meeting, Dr. Monterroso also clearly said that the animal received Buprenorphine, or the narcotic painkiller that is administered only after an animal wakes up from the surgery.)

(I learned much later that there are multiple copies of these documents, and that GRU used different ones depending on whom they were showing it to. See "Appendix 5. Evidence that the Necropsy Report was Tampered With"). The very existence of more than one necropsy report raises serious questions – it is akin to there being multiple, mutually different, death certificates of someone.)

My colleague, Dr. David Blake, told me on July 7, 2015 that Mr. Cedrick Bouey, the Veterinary Technician who witnessed Ovechkin's death, told him that the monkey was given the narcotic painkiller Burpee (another name for Buprenorphine), although Mr. Bouey "later clammed up" about this statement. So Dr. Blake may be able to recount this conversation with Mr. Bouey for the Committee<sup>22</sup>.

B.3.9. Finally, on March 4, 2014, Dr. Monterroso showed me the handwritten surgical log of the January 7, 2014 surgery (along with the necropsy report that he had shown me previously during our Feb. 24<sup>th</sup> meeting)<sup>23</sup>. The surgical log also contained deliberate falsifications, because (among other things) the handwriting was different from the veterinary technician in charge (Mr. Cedrick Bouey, whose handwriting I have seen for more than five years now)<sup>24</sup>, and because it omitted any mention of the multiple injections that the Dr. Moralejo administered in his efforts to revive the animal's heart. In other words, the documents appeared falsified to remove any intimation of an overdose. (As to the possible motives for the falsification, please see Section D).

B.3.10. Moreover, the blood testing that I had specifically requested in order to help determine the cause of death, including possible drug overdose, was mishandled. Not only the blood itself was mishandled according to the vets' own account<sup>25</sup>, but toxicological testing was not even ordered<sup>26</sup>, even though the blood was specifically drawn for this purpose at my request. Moreover, the vets failed to inform anyone, including the IACUC or

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<sup>20</sup> The fact that pictures were taken at necropsy was confirmed by Dr. Moralejo himself in his statement to the Mr. Rush's investigation (see p. 7 of "Case Report.pdf" in the folder "Records obtained from GRU through GA Open Records Law requests\Documents from Mr.Rush's investigation"). But, curiously enough, none of versions of the necropsy report mentions the pictures. Moreover, Dr. Moralejo asserts in his testimony to Mr. Rush that he "offered me the pictures", which is completely false. At no time did offer me any such thing. If he had, why would I have not taken him up on his offer, especially since I was trying so hard to get any and all documentation of the surgery and necropsy?

<sup>21</sup> See "Affidavit\_1\_Dr.Jay Hegde\_Death\_of\_Ovechkin\_27February2015.pdf" and "Affidavit\_2\_Dr.Jay Hegde\_Falsification\_of\_records\_27February2015.pdf" in the folder "My sworn affidavits".

<sup>22</sup> As noted in "Appendix 4. Evidence that the Surgical Log was Falsified", the surgical log does document that Buprenex was given, but the timing of this injection raises more questions than it answers, as noted in this Appendix.

<sup>23</sup> Note that I do not have hard copies of these documents, since GRU has refused to give them to me (see B.3.4 above). Thus, I have only seen these documents, and heard Dr. Monterroso read excerpts of them to me.

<sup>24</sup> For additional details, see "Appendix 4. Evidence that the Surgical Log was Falsified".

<sup>25</sup> See "Email 5\_28Jan2014.pdf" in the folder "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 1 - Ovechkin (AC70)'s death and the aftermath".

<sup>26</sup> See "24Q submission form.pdf" in the folder "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 1 - Ovechkin (AC70)'s death and the aftermath".

myself, about the mishandling of the blood-test until well after the blood was discarded by the testing company. Therefore, given the totality of evidence in this case, I firmly believe that this mishandling of the blood-testing was deliberate, because toxicological testing of the blood would have provided definitive evidence of overdosing<sup>27</sup>.

B.3.11. Note that if the surgical documents were falsified to remove of overdose of the painkiller (which is a controlled substance and subject to DEA oversight), this *may* also have involved falsification of the relevant controlled substance logs.

Alternatively, if the logs were not falsified, then checking against them may provide material evidence of an overdose.

B.3.12. I firmly believe that one or more GRU's past or present administrators were/are aware that at least some of the documents were falsified and failed to take actions required of them by law. To the best of my knowledge they are legally required to at least report the falsifications to the government.

#### **B.4. The GRU Faculty Senate Ombudsman and University Advocate have been serving as independent observers starting fairly early in this case**

B.4.1. By the beginning of February 2014, with the aforementioned incidents of cover-up and retaliation, I had begun to realize something profoundly horrible was happening, but felt scared and powerless to stop it. So on February 4, 2014, I met Prof. Matthew Bosisio, then the GRU Faculty Senate Ombudsman (who has since left GRU), to talk about the situation.

We both agreed that the fact GRU did not have a written whistleblower policy was huge problem, because it meant that GRU could retaliate against me for blowing the whistle. I was even scared to have Prof. Bosisio mediate for me because I knew that Drs. Hamrick and Stepp will rip into me if they found out that I had told anyone about this. On the other hand, he thought that I had an ethical obligation to report these illegalities. He concurred with my feeling that I should use the word 'irregularities', as opposed to 'illegalities', so Drs. Hamrick would be less likely to start screaming at me -- as he usually did whenever I pointed out problems in the animal welfare operations to him, and GRU would be less justified in going after me for my whistleblowing.

Prof. Bosisio had been involved in this case in an ongoing basis in his Ombuds capacity until he left GRU in early May 2015.

B.4.2. The lawyers I consulted told me that, under the law, fear of retaliation by GRU was not a justifiable reason for not reporting them. Therefore, they said, I had no legal choice but to report the 'irregularities' I had witnessed to my immediate supervisor, and suggest that I report it, and make a written record that I had. Prof. Bosisio also felt that this was the ethical thing to do as a responsible faculty member, although he took pains to emphasize that it was ultimately up to me to decide.

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<sup>27</sup> GRU deliberately intimated to the federal regulators that this blood did not even exist, let alone that it was botched this badly. For instance, in their December 19, 2014 letter to OLAW, Drs. Stepp and Diamond stated, "...Some records were requested that were nonexistent (post-mortem blood work)" (see p. 2 of "ORR Response LT Wolff 12192014.pdf" in the folder "Records obtained from GRU through GA Open Records Law requests\GaOpenRecReq\_14July2015"). It is my understanding that lying to the federal government is a felony.

Accordingly, I verbally told of the falsification etc in person to Dr. Joseph Tsien, my immediate supervisor on April 23, 2014 and again on **and again on May 6, 2014**, and also mentioned this in writing<sup>28</sup> in my April 2014 annual performance review<sup>29</sup>.

**In other words, I blew the whistle not because I wanted to be vigilante, but because legally I had no other choice.**

B.4.3. Prof. Bosisio introduced me to Dr. William Reese, the GRU University Advocate and GRU Faculty Senate member on July 11, 2014. Prof. Reese has been serving as an independent observer in this case ever since.

**I respectfully request that the Committee seek and take into account Dr. Reese's independent take on this case before making a decision about my grievance.**

B.4.4. I would be remiss not to mention that I greatly admire Profs. Reese and Bosisio for how they have conducted themselves. They have been very independent – not beholden to me or to anyone else – and scrupulously fair, and principled in their approach and mindful of the University's best interests and ideals it should stand for. It is such stark contrast with the conduct of so many – by no means all, to be fair -- of the GRU administrators.

It is lamentable to that time and again, GRU administrators have acted like they don't even exist, much less accord them the dignity and respect and members, and representatives, of the faculty. I think it simply represents the cynical disrespect that GRU administrators have for the faculty and Faculty Senate.

### **B.5. Start of the Cover-up: GRU fabricated a demonstrably false story to cover up the real reason behind AC70's death**

B.5.1. Meanwhile, unbeknownst to myself or (to my knowledge) to any other monkey investigators, GRU had made up a false narrative about how Ovechkin died: That he died because he was old and lean<sup>30</sup>, and that he failed to wake up from the anesthesia<sup>31</sup>.

B.5.2. **This story is demonstrably false**, as outlined in Appendices 4 and 5. To briefly outline it here, GRU's story is false because, among other things:

(i) **GRU's own documents** show that AC70 was neither too old nor too lean. (If it was, why did GRU clear it to the surgery to begin with? GRU has never explained this adequately)

(ii) As I state in the sworn affidavit enclosed herewith<sup>32</sup>, I witnessed that the animal clearly woke up from the surgery and was moving, and died afterwards.

(iii) **GRU's own surgical log** indicates that the animal was breathing "on his own" and showed reflexes well after the surgical anesthesia was withdrawn (see Appendix 4).

(iv) **One of the two versions of GRU's own necropsy report** states that the animal "deceased under during recovery time"<sup>33</sup> (while the other, aforementioned version says he "deceased under anesthesia").

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<sup>28</sup> In the written report, I used the word "irregularities", instead of stronger words such as "falsifications", "violations of the law", "crimes" etc. This was because I was afraid to use stronger words, because GRU did not have a written policy about whistleblower protections at the time. GRU did not have one until much later, until October 30, 2014 when it was enacted, pursuant to written demands by OLAW, and apparently without GRU Faculty Senate participation.

<sup>29</sup> See p. 9 of "Signed copy of 2014 annual performance review.pdf" in the folder "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 4 - Record of Having Reported the Irregularities".

<sup>30</sup> See documents in the folder "Records obtained from GRU through GA Open Records Law requests\GaOpen-RecReq\_14July2015".

<sup>31</sup> See "Necropsy report version#2.pdf" in the folder "NSF\_10August2015\Email 2".

<sup>32</sup> See "Affidavit\_1\_Dr.Jay Hegde\_Death\_of\_Ovechkin\_27February2015.pdf" and "Affidavit\_2\_Dr.Jay Hegde\_Falsification\_of\_records\_27February2015.pdf" in the folder "My sworn affidavits".

<sup>33</sup> See "Necropsy report version#1.pdf" in the folder "NSF\_10August2015\Email 2".

(iv) I understand that an independent witness to the animal's death, Dr. Charles M. Gray of Montana State University, believes that the animal clearly woke up from the surgery and died from the overdose of painkiller (i.e., analgesic such as Burpee/Buprenorphine) administered after the surgery<sup>34</sup>. In fact, by GRU's own records, Dr. Gray's told GRU, in part: "... My overall impression is that the animal had a reaction to the post-operative analgesics."<sup>35</sup>.

I believe that Dr. Gray is willing and happy to talk with the Committee. I respectfully request that the Committee ask Dr. Gray directly about this. (As far as I know, about matters that are official Montana State business, he prefers to be contacted at his personal contacts at [cmgray@graymatter-research.com](mailto:cmgray@graymatter-research.com) or 406-994-7338).

B.5.3. GRU has stated the aforementioned fabrication in writing to federal and state governments. By doing so, I believe GRU has committed the following violations of the law:

(i) GRU has made false and/or misleading statements to the government about the cause of AC70's death,

(ii) Not only did GRU fail to disclose to the government that I had made specific allegations that the documents as to the cause of death were falsified, but it also stated affirmatively to the government that no evidence of falsification were "offered"<sup>36</sup>.

(iii) It is possible that two or more GRU officials collaborated in the above falsification, and/or aided or abetted in it. As far as I know it is a violation of state and federal laws to conspire to make false representations to state or federal governments.

B.5.4. I believe, in particular, Dr. Stepp and perhaps also Dr. Mark Hamrick (then Senior Vice President of Research or SRVP)<sup>37</sup> are/were aware that at least some of the documents were falsified, in part because I have told their close associates on at least two different occasions that I thought the documents were falsified. For instance, I told Dr. Michael Brands, a member of the IACUC, in a one-on-one meeting in his office on April 22, 2014 that the surgery log and the necropsy report that Dr. Monterroso showed me were falsified. Dr. Brands suggested that I should "force Dr. Hamrick's hand" into investigating this by sending him an email saying that the documents were falsified. (I ended up not sending such an email, because I felt certain that Dr. Hamrick would destroy me professionally if I did so.) Dr. Brands also suggested that I should send him the weight data of 24Q, and he would talk with Drs. Stepp and Hamrick about this.

I told another member of IACUC, Dr. Ruth Harris on November 10, 2014 about the falsification of the documents.

Both Drs. Brands and Harris were members of the IACUC's executive committee at the time.

Thus, I believe GRU did not tell the truth to the federal regulators when it intimated to them on November 24, 2014 that no evidence of the falsification was "offered"<sup>38</sup>.

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<sup>34</sup> Per standard veterinary practice, the painkiller is never administered before the animal wakes up from the anesthesia. Thus, the very fact that it was administered at all is another piece of evidence that the animal did wake up from the surgery. As indicated in §B.3.8, Mr. Cedrick Bouey, who was one of the witnesses to the animal's death told my colleague Dr. David Blake that the painkiller Burpee was indeed administered. Dr. Monterroso also said as much to me during my February 24, 2014 meeting with him.

<sup>35</sup> See p. 6 of "Case Report.pdf" in the folder "Records obtained from GRU through GA Open Records Law requests\ Documents from Mr.Rush's investigation".

<sup>36</sup> See p. 4 of "ORR Response LT Wolff 11242014.pdf" in the folder "Records obtained from GRU through GA Open Records Law requests\GaOpenRecReq\_14July2015".

<sup>37</sup> Senior Vice President of Research [SRVP] is the most senior official in charge of research at GRU. Dr. Hamrick was the SRVP during all or most of the violations mentioned in this document. Dr. Hamrick resigned as SRVP effective September 1, 2014, and has been replaced by Dr. Michael Diamond.

<sup>38</sup> See p. 4 of "ORR Response LT Wolff 11242014.pdf" in the folder "Records obtained from GRU through GA Open Records Law requests\GaOpenRecReq\_14July2015".

B.5.5. It is apparent that GRU administrators wanted to find a reasonable-sounding basis for concluding that Ovechkin's death to be a non-reportable incident, so that it would not have to be reported to government authorities (see Section D for a detailed Theory of the Case). Nonetheless, they were worried enough about the actions of our veterinarians in this matter that they had this matter reviewed by an unnamed external veterinarian. GRU has not shared the name of this veterinarian with me (or, to the best of my knowledge, with the IACUC membership at large!), what information was provided to this veterinarian, or what feedback they received from this veterinarian<sup>39</sup>.

Seeking the opinion of an external veterinarian is a highly unusual step for GRU or any other research institution. No one I have talked with about this matter within GRU could recall another instance where GRU had previously taken this step ever. Therefore, it is highly noteworthy that GRU took this step in this case. I believe this indicates that they grasped the seriousness of the situation.

B.5.6. GRU also provided falsified documents to OLAW on at least one occasion to justify its position that Ovechkin's death was non-reportable under the law. Thus, GRU appears to have deliberately lied, and conspired to lie, to federal authorities, which I understand is a felony. Presumably in an attempt to unlawfully cover-up the cause of Ovechkin's death and various subsequent irregularities.

Importantly, GRU provided only one of its multiple versions of the necropsy report (all of which we falsified, but were mutually different)<sup>40</sup>, but did not disclose that there were other versions of the necropsy report. As best as I know, failing to disclose this also a felony.

## **B.6. I have suffered repeated intimidation, retaliation, discrimination<sup>41</sup>, and abuse of regulatory authority/office<sup>42</sup>**

B.6.1. Ever since I started pointing out the falsifications and other violations of the law, the vets, the IACUC and the GRU have taken a series of retaliatory and discriminatory steps against me.

Briefly, these include (but are not limited to):

- On February 10, 2014, soon after I started expressing my concerns about shredding of the documents and botching the blood tests, and started demanding the documents, Dr. Monterroso abruptly and with no explanation, canceled scheduled surgery on my sole remaining monkey, 24Q ("Crosby")<sup>43</sup>.

I had asked Dr. Monterroso for a surgery date the day after AC70's death (*i.e.*, on Jan. 08, 2014) and told him that proceeding with 24Q asap was crucial to minimize the damage to my funded, time-sensitive NSF project. Dr. Monterroso had agreed to schedule it for February 24, 2014.

Thus, Dr. Monterroso was clearly trying to send me message to stop my fraud complaints by using his office to hit me where it hurt.

- Instituting non-standard new surgical procedures and falsely asserting that the new procedures applied to all investigators<sup>44</sup>.

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<sup>39</sup> However, through the documents obtained through freedom of information act requests, I now know this external veterinarian to be Dr. Louis J. DeTolla of University of Maryland, Baltimore, School of Medicine.

<sup>40</sup> See documents in the folder "NSF\_10August2015\Email 2".

<sup>41</sup> See, *e.g.*, "Appendix 6. Differential Treatment of Monkey Researchers by IACUC".

<sup>42</sup> Other investigators have also experienced these, although to a lesser extent. To cite but one, when Dr. David Blake, a fellow monkey researcher, went before the IACUC on Thursday, June 26, 2014 to inform them of the unfair treatment his monkeys were receiving, Dr. Monterroso took his monkeys off protocol – thus bringing Dr. Blake's research to a complete halt – on a flimsy excuse. Dr. Blake has since been allowed to re-start his research, although I have not. This is one of the many instances of favorable treatment that he has received (also see §B.8.3. below). However, Dr. Blake and I are on good terms, and he may be a favorable witness in this case.

<sup>43</sup> See "Email 4\_10Feb2014.pdf" in the folder "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 2 - Cancellation of Crosby (24Q)'s surgery".

<sup>44</sup> See the documents in the folder "Folder 2 - Cancellation of Crosby (24Q)'s surgery".

- Then, after I had repeatedly expressed concerns, starting on February 27, 2014 (see §B.3.8 above), about the falsification of the documents, Dr. Monterroso abruptly removed 24Q from my protocol on March 19, 2014. I will elaborate on this important aspect of the case in §B.7 below.

- On May 12, 2014, Ms. Andrea Saucedo filed bogus, **unspecified charges of protocol deviation/monkey abuse** against my Research Assistant and myself before IACUC, and withdrawing them when asked what the charges specifically are<sup>45</sup>.

- Successfully recommending to IACUC that key parts of my approved protocol (and of the NSF grant as approved) be removed going forward, and refusing to provide an explanation<sup>46</sup>.

- Repeatedly making prejudicial comments about me before the IACUC members and others, and repeatedly misinforming the IACUC about the nature of, the rationale behind, various actions against me<sup>47</sup>.

- Making patently ridiculous demands for repeated revisions in my animal research protocol (detailed in §B.11 below).

- Petitioning NSF to terminate my aforementioned grant.

**B.7. In a clear case of retaliation, GRU removed my sole remaining monkey from my protocol using a transparently flimsy excuse, thus bringing my entire animal research to an abrupt and complete halt**

B.7.1. On March 19, 2014, as I was continuing to politely but firmly voice my concerns about the falsified documents and demanding that I be provided copies thereof for my records, Dr. Monterroso unilaterally and without prior consultation with me as the Principal Investigator, removed my sole remaining animal, 24Q, from the protocol. His email stated, in part<sup>48</sup> :

“I regret to inform you that I am removing (temporarily) NHP 24Q (male, 11 years old, BW=9.2 kg) from your study in protocol 2008-0134. The NHP is 24% below the body weight expected for an animal of its age (at least 12 kg of body weight), according to the literature and when comparing with other NHP in the facility (male, 7.5 years old, BW=12.1 kg). The animal will be under DLAS care, and the diet will be adjusted (increase) in order to allow the animal to gain weight. The target BW will be at least 12 kg. Once the animal reach 12 kg, a physical exam will be performed to the determine the suitability of 24Q to continue in the study. After the physical exam, if everything is ok with the animal's physical exam, I will inform the IACUC, and animal work could resume with IACUC approval.”

B.7.2. I believe this action had no basis in fact, but was instead a clear-cut case of retaliation, fraud, and abuse of office, because, among other things:

- Dr. Monterroso took this action precipitously, without prior notice, much less prior consultation and discussion.

- The animal was fully compliant with the approved protocol (and had never been non-compliant), and had not come even close to meeting any of the criteria outlined in the aforementioned IACUC-approved protocol for removal from protocol.

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<sup>45</sup> See the documents in “Folder 5 - Continuing pressure - unspecified complaints”.

<sup>46</sup> See p. 4 of “Tabling of Complainant’s Protocol Sept 2014.pdf” in the folder “Repeated denials of protocol renewal by IACUC”.

<sup>47</sup> See, e.g., “Email\_from\_Dr.Harold\_Farris.pdf” in the folder “Repeated denials of protocol renewal by IACUC”.

<sup>48</sup> For the complete text of his email, see “Email 1\_19Mar2014.pdf” in the folder “Documents submitted to Mr. Rush\Submitted\_August2014\Folder 3 - Crosby (24Q) off protocol”.



- Neither Dr. Monterroso nor anyone else had previously expressed any concerns whatsoever about Crosby's weight. Since I acquired him the spring of 2009, a total of at least 78 different veterinarians, including three self-same veterinarians, had previously looked at Crosby, and had expressed no concerns nor taken any adverse action about the same monkey. In other words, the facts on the ground, including the animal's weight had not changed, and any of the applicable criteria for determining the suitability of the animal to remain on the protocol, as outlined in the IACUC-approved protocol had not changed. But Dr. Monterroso suddenly decided that 24Q was underweight.

- Dr. Monterroso's above statement that "...body weight expected for an animal of its age (at least 12 kg of body weight), according to the literature..." is a clear-cut fabrication, because there is no support for this claim in the literature – none. Indeed, the normative average standard weight for an adult male *Macaca mulatta* is 7.70 kg (17.0 lb)<sup>49</sup>, by which 24Q had above weight!

- The other weight criterion that Dr. Monterroso specified, that "...and when comparing with other NHP in the facility (male, 7.5 years old, BW=12.1 kg)." is also ludicrous, because it picks a single, arbitrary data point out of distribution, as uses it as normative standard. It is like saying that I, yours truly should weigh 400 pounds, because it just so happens that one of my many neighbors is a 400 pound Sumo wrestler!

- Even more ironically, when the IACUC came up with a new food restriction policy in late August 2014<sup>50</sup> -- by deliberately and repeatedly excluding me from having any input in crafting this policy<sup>51</sup> -- the 24Q should still have not been off protocol by the new protocol template! In other words, the entire time 24Q was kept off protocol, there was no justification whatsoever for keeping him off protocol!

- Every single monkey researcher and veterinarian that I have showed Dr. Monterroso's email has opined that Dr. Monterroso's stated rationale blatantly false and trumped-up.

B.7.3. On the same day (March 19, 2014), in response my written question, Dr. Monterroso stated, with cc to Drs. Stepp and Hamrick among others<sup>52</sup>, that I was not being singled out, and that his weight criteria applied all investigators. This was clearly false, and I believe all three of them knew it, and therefore were party to this falsehood.

When I asked Dr. Monterroso to clarify "why my animal, and why now?", again cc to Drs. Stepp and Hamrick<sup>53</sup>, I received no response.

Indeed, as noted throughout this is the hallmark of how GRU has operated in this case. When I ask them a difficult question that exposes the underlying wrongdoing, they simply ignore the question. Such unresponsiveness is a blatant violation of GRU's federal Assurance obligations. But even more ironically, GRU has repeatedly assured federal regulators that its IACUC had been communicative with the researchers<sup>54</sup>.

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<sup>49</sup> See p.1 of the National Primate Research center (Madison, WI) document "Primate Factsheets\_ Rhesus macaque (Macaca mulatta) Taxonomy, Morphology, & Ecology.pdf" in the folder "Repeated denials of protocol renewal by IACUC". Also see [http://pin.primare.wisc.edu/factsheets/entry/rhesus\\_macaque](http://pin.primare.wisc.edu/factsheets/entry/rhesus_macaque).

<sup>50</sup> See "Policy on Food Regulation - FINAL.docx" and "Dr. Stepp's note on Policy on Food Regulation - 26Aug2014.pdf" in the folder "Repeated denials of protocol renewal by IACUC"

<sup>51</sup> See "Appendix 6. Discriminatory Treatment of Monkey Researchers by IACUC" and "Dr. Stepp's non-denial denial.pdf" in "Repeated denials of protocol renewal by IACUC".

<sup>52</sup> See "Email 3\_19Mar2014.pdf" in the folder "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 3 - Crosby (24Q) off protocol".

<sup>53</sup> See "Email 4\_19Mar2014.pdf" in the folder "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 3 - Crosby (24Q) off protocol".

<sup>54</sup> See "ORR Response LT Wolff 12192014.pdf" and "ORR Response LT Wolff 12192014.pdf" in the folder "Records obtained from GRU through GA Open Records Law requests\GaOpenRecReq\_14July2015".

B.7.4. Drs. Stepp<sup>55</sup> and Hamrick<sup>56</sup> both indicated, in their capacity of IACUC chair and IO/SVPR respectively, that they stood by Dr. Monterroso's decision.

This formally closed all the avenues of regulatory relief within GRU to me.

B.7.4. On March 26, 2014, I wrote to Dr. Monterroso<sup>57</sup>, again cc to Drs. Stepp and Hamrick, asking four crucial questions that challenged his stated rationale for removing 24Q from protocol (outlining the points in §B.7.2 above). Since then, I have repeated this request for a simple response with many other GRU officials on many occasions over the course of the next 16 months or so, including Dr. Stepp<sup>58</sup> (on April 14, 2014); Dr. Hamrick (on April 27, 2014)<sup>59</sup>; Mr. James Rush, Chief Integrity Officer (on Feb 19, 2015<sup>60</sup>); Ms. Sarah J. White, Associate Vice President (on May 8, 2015<sup>61</sup>); Dr. Monterroso and Dr. Michael Diamond, IO and SVPR (on January 29, 2015<sup>62</sup>). I have never even received a single acknowledgement of this request, let alone a response. This deafening silence why I firmly believe that many high officials at GRU knew that Dr. Monterroso's original March 19, 2014 decision was retaliatory, pure and simple, and did nothing to correct this retaliation.

I believe this failure to respond is itself a violation of, among other things, GRU's compliance obligations under the law.

#### B.7.5. Unlawful shifts rationale.

GRU's rationale for removing 24Q from protocol has shifted depending of the occasion and expediency. Shifting explanations for regulatory actions are unlawful and constitute a legal proof of retaliation, because it means that the rationale was developed retroactively after the action was taken. Evidently, this indeed was what happened in this case:

- As noted above, Dr. Monterroso explained his decision solely inter terms of body weight in his initial decision on March, 19, 2014. On the 22<sup>nd</sup> and 24<sup>th</sup> of March 2014 respectively, Drs. Stepp and Hamrick stated in writing that they stood by Dr. Monterroso's decision and the (exclusively body weight-based) rationale<sup>63</sup>. In particular, there was no mention of the Body Condition Score (BCS)<sup>64</sup> as a criterion.

- In his hand-written (and obviously backdated) note in the animal's record that was added on March 20, 2014<sup>65</sup>, Dr. Monterroso reiterated the exclusively body weight-based criterion for returning animal to the protocol. Again, there was no mention of BCS as a criterion.

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<sup>55</sup> See "Email 5\_22Mar2014.pdf" in the folder "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 3 - Crosby (24Q) off protocol".

<sup>56</sup> See "Email 7\_24Mar2014.pdf" in the folder "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 3 - Crosby (24Q) off protocol".

<sup>57</sup> See "Email 8\_24Mar2014.pdf" in the folder "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 3 - Crosby (24Q) off protocol".

<sup>58</sup> See "Email 12\_14Apr2014.pdf" in the folder "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 3 - Crosby (24Q) off protocol".

<sup>59</sup> See "Email 9\_27Mar2014.pdf" in the folder "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 3 - Crosby (24Q) off protocol".

<sup>60</sup> See item #3 in "Recap\_19February2015\_meeting.pdf" in the folder "Repeated denials of protocol renewal by IACUC".

<sup>61</sup> See item #3 in "JayHegde\_restoring\_NSF\_grant.pdf" in the folder "VP\_Sarah\_White".

<sup>62</sup> See "29Jan 2015 reminder to respond about taking 24Q off protocol.pdf" in the folder "Repeated denials of protocol renewal by IACUC".

<sup>63</sup> See "Email 1\_19Mar2014.pdf" in the folder "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 3 - Crosby (24Q) off protocol".

<sup>64</sup> BCS is a subjective score of how fat or thin an animal is based on visual examination and palpation, specified by Clingerman and Summers (2005). See "Clingerman&Summers\_LabAnimal2005.pdf" in the folder "Misc Correspondence with IACUC".

<sup>65</sup> See "Dr. Monterroso's handwritten entry in 24Q's clinical records.pdf" in the folder "Misc communications".

- During the April 24, 2014 meeting in Dr. Hamrick's office (see §B.8.1 below), Dr. Monterroso stated that he took the monkey off the protocol because I was refusing to comply with the veterinarians' prescribed food rations, which is a complete lie.

- Members of the IACUC have told me that Dr. Monterroso formally told IACUC that he took Crosby off protocol because he was losing weight, which was not only a different rationale but also a flat-out lie, as shown by 24Q's entire weight history at GRU, stretching back years<sup>66</sup>.

- By their own admission, the criteria also clearly shifted from one investigator to the next and one monkey to the next<sup>67</sup>, although GRU officials falsely insisted, in writing that my monkey was not being singled out. They were simply "scrutinizing" other investigators' monkeys while they had summarily kept my monkey off protocol. **In other words, their criteria also shifted from one investigator to the next.**

- On June 16, 2014, Dr. Monterroso reaffirmed his March 19, 2014 weight criterion and **excluded** BCS criterion, and that this applies to all adult male rhesus monkeys, including any new ones I would acquire to re-start my research program<sup>68</sup>.

- Then all of sudden on August 4, 2014, after grossly overfeeding 24Q for months and failing to getting his weight to hit the required 12 kilos, Dr. Stepp did a completely about-face, whereby stated that "Please note that he has modified the reentry criteria from the initial plan (weight on target, BCS=3) to allowing re-entry once BCS hits 3, even if the animal remains below his target weight."<sup>69</sup> ! In other words, he was essentially admitting that Dr. Monterroso's original March 19, 2014 decision based solely on body weight was bogus!

- On the other hand, in his June 2015 written report of his investigation, Mr. Rush stated, in part <sup>70</sup>:

"Although alleged by Dr. Hegde that the removal of Crosby from protocol was a retaliatory action. Nonhuman primates of at least one other PI were also removed based upon the opinion of Dr. Monterroso that the animal's body condition was substandard and not adequate to participate in research."

This is a specious argument, among other things, because it sues an unlawful action against one investigator (*i.e.*, myself) by citing an unlawful action against another investigator (my colleague Dr. David Blake, as it turns out)! **In essence, Mr. Rush is asserting that two wrongs make a right.** Blatantly specious arguments such as this raise the troubling possibility that GRU administrators are aware of the various illegalities, but are choosing to cover it up, rather than admitting and correcting them.

B.7.6. What happened here is quite clear: Dr. Monterroso took 24Q off protocol solely to retaliate against me, and fabricated an arbitrary target body weight of 12 kg. To try and vindicate himself, he fed the animal  $\geq 300\%$  [sic] of the daily ration they themselves (as well as the 7 previous veterinarians) had previously set, plus unhealthy fatty treat to try and fatten the animal to the 12 kg mark. He deliberately failed, despite my repeated requests, and even a directive by Dr. Stepp<sup>71</sup>, to perform blood tests and other physiological tests to determine the animal's nutritional requirements, because doing so would have shown, in the form of a written document, that his actions were fraudulent. Higher GRU administrators stood by him throughout because they were in on it.

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<sup>66</sup> See "Crosby's Complete Weight History\_22April2014.xlsx" in the folder "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 3 - Crosby (24Q) off protocol".

<sup>67</sup> See "Email 5\_22Mar2014.pdf" in the folder "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 3 - Crosby (24Q) off protocol".

<sup>68</sup> See the email conversation in "RE Considering getting a new monkey REMIDNER #2.pdf" in the folder "Misc communications".

<sup>69</sup> See "Email 6\_4Aug2014.pdf" in the folder "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 6 - Efforts to get 24Q back on protocol".

<sup>70</sup> See page 2 of 3 of "Letter of Closure.pdf" in folder "Records obtained from GRU through GA Open Records Law requests\Documents from Mr.Rush's investigation".

<sup>71</sup> See the highlighted portion in "Email 6\_23Mar2014.pdf" in "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 3 - Crosby (24Q) off protocol".

Then, even after months of this cruel overfeeding, the monkey's weight remained fair short of the target weight of 12 kg. In fact, the weight leveled around 10.2 kg.

B.7.7. **Mine is by no means an isolated case.** The following colleagues have told me that they have experienced retaliations by the veterinarians in different cases, each completely unrelated to mine. I think there are many more, but they are afraid to speak out because they've seen what happens to those who do. The following two colleagues are no longer in the grip of GRU:

- Jacqueline (Lynn) Moredock, Veterinary Technician (retired since summer of 2015).

In November 2014, Dr. Monterroso retaliated against an employee his, Ms. Jacqueline (Lynn) Moredock (Laboratory Animal Veterinary Technician), with the involvement and apparent approval of GRU's Human Resources department, because Ms. Moredock told the truth, when she was specifically invited to do so, to a site inspection team from AAALAC Intl (American Association for Accreditation of Laboratory Animal Care International, Washington, DC) that was visiting GRU specifically to inspect its animal care practices. Ms. Moredock's sole sin was that the truth she was compelled to tell happened to be inconvenient to Dr. Monterroso.

- Dr. Julietta Frey, Charbonnier Professor in Neurology, member of BBDI, and a rodent researcher (who has now left GRU.)

### **B.8. Institutional Official (IO) / Senior Vice President of Research (SVPR) ignored my allegations of serious wrongdoing**

B.8.1. On April 24, 2014, I met with Dr. Mark Hamrick, IO/SVPR; Dr. David Stepp, IACUC chair; and Dr. Victor Monterroso, chief veterinarian, to report the various irregularities to date. Both Drs. Hamrick and Stepp declined to intervene.

When I mentioned during this meeting with Drs. Hamrick, Stepp and Monterroso that the at-large membership of the IACUC was consistently misinformed about crucial details, **Dr. Stepp's sole reaction was to upbraid me for talking with IACUC members in the first place<sup>72</sup>.**

Ironically, when Dr. Blake's monkeys were taken off protocol several months later, he (Dr. Blake) went and talked with several IACUC members. Dr. Blake told me that not only did Dr. Stepp have no problems with him talking with at-large members of the IACUC, he encouraged "such give-and-take"<sup>73</sup>. This is yet another instance of how blatantly discriminatory the IACUC has become.

B.8.2. I sought to inform my NSF in writing<sup>74</sup> that that my funded research has ground to a complete halt owing to factors well beyond my control and through absolutely no fault of mine. But Dr. Hamrick and Dr. Stepp discouraged me from reporting this to the federal government (presumably also to avoid external scrutiny), saying that I can always get a new monkey. I told them both in person (*e.g.*, during the meeting among Drs. Hamrick, Stepp, Monterroso and myself in Dr. Hamrick's office) and in writing (*qv.* my email to them on April 25, 2014) that it would be inhumane to bring a new monkey in, given the arbitrary and shocking way my current animal is being treated.

### **B.9. Falsification of other monkey records**

**B.9.1. The feeding records of my remaining monkey ('Crosby', or 24Q) were also falsified on an almost a daily basis for quite a while to make it appear like he has been eating all the 60 biscuits a day they are feeding him.**

We have made a written note of this whenever we can. We had repeatedly pointed this problem to the veterinary staff, to no avail. But we were too terrified of the LAS to push this matter any further. However, a colleague of mine who was aware of this falsification mentioned this to LAS a few weeks later. Now the falsification has

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<sup>72</sup> See the email conversation in "Email 18\_25Apr2014.pdf" in the folder "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 3 - Crosby (24Q) off protocol".

<sup>73</sup> See p. 3 in "Dr. Stepp's non-denial denial.pdf" in the folder "Repeated denials of protocol renewal by IACUC".

<sup>74</sup> Nonetheless, I have kept NSF informed by continual telephone contact with my NSF Program Officer, Dr. David Coppola.

abated considerably, but not gone away, in the sense that the number of biscuits left uneaten by the monkey are systematically undercounted, but the records no longer assert that monkey has eaten all the biscuits.

B.9.2. The veterinarians are sedating Crosby unnecessarily and too frequently in order to clean his surgical implants). This oversedation is a violation of USDA policies, but the oversedations are not being entered into the records, so that the USDA does not get wind of the still ongoing oversedation<sup>75</sup>.

A veterinary technician name Lynn Moredock, completely on her own and without my knowledge (much less my inducement), called in an anonymous complaint to the intramural (but federally required) hotline to report animal welfare concerns. In response, the vets have moved to hide all the records, so that no can follow up on the oversedations anymore. But the oversedations continued.

B.9.3. IACUC at large has been actively kept misinformed or uninformed. For instance, it is clear from my conversations with many of the IACUC members, most of the critical irregularities surrounding the death of AC70 and its aftermath have been kept from the IACUC membership at large. For instance, they were never specifically told of the animal's blood being drawn after its death, let alone that the blood testing was botched. As to my second animal, 24Q, being taken off the protocol, Dr. Monterroso simply told the committee that he took this action because the animal was steadily losing weight (which is an outright falsehood).

Based on what I've learned from talking with some IACUC members, this appears to be par for the course. The so-called Executive Committee of the IACUC (consisting of Drs. Stepp, Monterroso and Ms. Jenny Whitlock) makes all the key decisions, and informs the IACUC-at-large decisions only in a summary form and asks them to endorse these decisions. Thus, the IACUC-at-large ends up being just an entity that rubber-stamps the Executive Committee's decisions, in clear violation of the relevant federal regulations (9 CFR 2.31).

B.9.4. Another clear-cut instance of discriminatory treatment. In or about June 2014, Dr. Monterroso took one of Dr. David Blake's monkeys off protocol – tellingly, he did so soon after Dr. Blake apparently embarrassed Dr. Monterroso, during an IACUC meeting, by showing that Dr. Monterroso was using a wrong caloric value in determining monkey rations<sup>76</sup>.

Soon after Dr. Blake's animal was taken off protocol, GRU paid to have an external vet, Dr. Fawn Connor-Stroud, VMD, DAACLAM of Yerkes National Primate Research Center in Atlanta, to visit GRU to take a look at Dr. Blake's monkeys. Dr. Blake told me that she also met with him. I was not even informed of this visit, let alone have my animals examined by her or have a chance to talk with her.

By contrast, when I asked to have an external veterinarian examine my monkey (and even offered to pay for the expenses out of my own pocket) during our aforementioned April 24, 2014 meeting, Drs. Stepp and Hamrick declined<sup>77</sup>. This despite the fact that my research has suffered much more and for much longer.

VP Sarah White, in her capacity as Dr. Diamond's emissary about animal research matters tried repeatedly to arrange to have an external vet examine my monkey<sup>78</sup>. But I believe GRU's legal department, led by Mr. Chris Melcher (one of the Respondents) ultimately overruled it.

## **B.10. Investigation of this case by the Chief Integrity Officer perfectly illustrates why GRU administrators cannot be trusted to investigate themselves**

B.10.1. Since Drs. Hamrick and Stepp both had to look into my concerns about serious wrongdoing (see §B.8 above), I was at a dead-end. But Profs. Rees and Bosisio reached out to Mr. James Rush, GRU's Chief Integrity Officer and chief of the office of Compliance and Enterprise Risk Management (CERM) to set up a meeting I was

<sup>75</sup> See documents in the folder "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 7 - Recent episodes with over-sedation of Crosby (24Q)".

<sup>76</sup> Also see Dr. Blake's email on this subject in "NHP Food training.pdf" in the folder "Misc communications".

<sup>77</sup> See item #3 in Dr. Stepp's email "Email 17\_25Apr2014.pdf" in the folder "Documents submitted to Mr. Rush\Submitted\_August2014\Folder 3 - Crosby (24Q) off protocol".

<sup>78</sup> See "JayHegde\_External\_vet\_visit.pdf" and "JayHegde\_restoring\_NSF\_grant.pdf" in the folder "VP\_Sarah\_White".

to detail my concerns to Mr. Rush. Mr. Rush, on his part, promised Profs. Reese and Bosisio and myself that he would investigate the case promptly and without any conflicts of interest and, upon the conclusion of his investigation, issue a written report of his findings, and give a copy thereof to Prof. Reese and to myself<sup>79</sup>.

B.10.2. On August 22, 2014 I met with Mr. Rush for me to present my case. Dr. Reese and Prof. Bosisio were present at the meeting as independent observers. In addition, this meeting was also attended by Ms. Lee Little, a senior attorney for GRU, and my attorney, Mr. Mike Brown. At the outset, Mr. Brown formally objected to the presence of Ms. Little as inappropriate. This is significant, because I have since witnessed additional instances of what I believe to be highly inappropriate, and possibly illegal, exploitation of such evidence/testimony in cover-ups and legal maneuverings by GRU<sup>80</sup>.

B.10.2. At this meeting, I orally presented my case to date to him, essentially as described in this document. I also presented to him a written request for copies of all records pertaining to Ovechkin's death<sup>81</sup>. At the conclusion of this meeting, Mr. Rush repeated his assurance that he will conduct a thorough investigation and, after its conclusion, provide a written report of his findings to Prof. Reese and myself.

Per Mr. Rush's request, I also turned in, a few days later, the relevant emails and other documents, a list of some key questions to help organize his enquiry, and a **cover letter asking him to refer this matter to external authorities for an independent investigation**<sup>82</sup>.

B.10.3. During a November 20, 2014 meeting with Ms. Angelica Hardison, a Compliance Analyst and aide to Mr. Rush, I repeated, with updates as needed, my complaints to Mr. Rush on Aug. 22, 2014, and followed it up with emails<sup>83</sup>.

B.10.4. I kept asking for the findings of Mr. Rush's investigation he had promised in August 2014, to no avail. Then finally, during a meeting on February 19, 2015 to review the progress of his investigation (attended by Dr. Diamond, Mr. Rush, Ms. Hardison, Prof. Reese and myself), he indicated, to my utter shock, that his investigation had found no illegalities whatsoever. I asked him to put it in writing and provide Prof. Reese and I copies of this report.

At this meeting Mr. Rush also said, on the other hand, that his investigation confirmed that I had done nothing wrong in this case and, at Dr. Reese's prescient suggestion, agreed to provide me a letter to that effect (which he has not done to date, despite my repeated written requests to him, cc to Prof. Reese). Needless to say, Mr. Rush has not provided this letter to date, despite repeated requests. He has simply ignored this request.

B.10.5. **Mr. Rush continued to drag his feet with his investigation and, despite repeated requests, did not issue a formal report until about ten months later, on June 16, 2015. Moreover, he has failed, despite repeated requests, to provide a copy of his report to Prof. Reese as promised. He has also failed to provide me the documents pertaining to the death of monkey AC70 that I requested in writing during our Aug. 22, 2014 meeting or the documents that support his conclusion. He has also not provided any of the documents that his report stated that it would**<sup>84</sup>.

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<sup>79</sup> Per Ombuds principles, Prof. Bosisio said he did want to receive the report.

<sup>80</sup> See, e.g., §(4.9)(d) in "Appendix 5. Evidence that the Necropsy Report was Tampered With". I believe this piece of information was collected from my statements as a Complainant and was used, in effect, to help cover up the falsifications.

<sup>81</sup> See "JayHegdÉ\_REQUEST\_FOR\_DOCUMENTS.pdf" in the folder "Documents submitted to Mr. Rush\Submitted\_August2014".

<sup>82</sup> See the documents in the folder "Documents submitted to Mr. Rush\Submitted\_August2014".

<sup>83</sup> See "Follow-up to 20 Nov 2014 Meeting with Ms. Angelica Hardison.pdf" in the folder "Repeated denials of protocol renewal by IACUC".

<sup>84</sup> See balloon comments in "Letter of Closure.pdf" in the folder "Records obtained from GRU through GA Open Records Law requests\Documents from Mr.Rush's investigation".

In other words, Mr. Rush's investigation has been anything but fair, prompt and transparent. I believe this has been intentional strategy on GRU's part, to as to delay the proceedings as much as possible to run out the lock on various statutes of limitation, and to finally issue a vague report that artfully denies all the wrongdoing, without expressly saying so.

**B.11. IACUC repeatedly took unlawful actions against me, and used the protocol review process itself as a tool of retaliation.**

**B.11.1. Unlawful tabling of my protocol.**

- My animal research protocol was due for regular renewal in August 2014. I submitted the renewal papers in early summer of 2014. But IACUC unilaterally tabled my protocol on July 24, 2014. It gave no reason for this action<sup>85</sup>.

What is more shocking is that IACUC has no authority under the law to table a protocol – it can approve it, reject it, or require amendment/s. But it cannot table a protocol.

- Dr. Harold Farris, who was the veterinarian of record for the IACUC told me that he pointed this out before IACUC and vociferously protested the tabling, but he was overruled without explanation by Dr. Stepp. Of course, the IACUC's minutes have been wiped clean to exclude any note of Dr. Farris' objection.

- I also vociferously complained to GRU that this amounted to denial of renewal, and therefore GRU must inform the federal agency in question, NSF, that it (GRU) has declined to renew my protocol. But GRU went to great lengths to assert that this is was not really a denial of renewal, but just a tabling (which it has no statutory authority to do!)<sup>86</sup>. I am informed and believe that this "spinning" was intended to avoid attracting the scrutiny by government regulators into IACUC's practices.

- Even as my protocol expired on August 4, 2014, IACUC simply sat on my protocol, completely ignoring my request to review my protocol and provide me the reviews<sup>87</sup>.

- I complained to Mr. Rush, cc'ed to Prof. Reese, as usual, was being blatantly con-compliant with the governing federal regulations in multiple respects<sup>88</sup>. Of course, I have received no response whatsoever to date.

**B.11.2. Repeated denials of requests to appear before the IACUC.** I repeatedly requested IACUC for an opportunity to appear before the IACUC in person and present my evidence of wrongdoing and ask for protocol deviation before the IACUC<sup>89</sup>. I also pointed out in these requests that my colleague Dr. David Blake was not only allowed, but invited, to present his case before the IACUC. (I emphasize that that Dr. Blake has not done anything wrong whatsoever in this entire saga.) My request was denied in each case.

Then, desperate to have an opportunity to be heard by the IACUC, I simply showed up in person on two different occasions before the IACUC during its monthly scheduled meeting, first on August 21, 2014 and then again on September 25, 2014. On both occasions, I was denied a chance to speak, and was not even to simply sit quietly as an observer, and was unceremoniously thrown out. I believe this is a violation of federal regulations as well as the Georgia Open Meetings law.

**B.11.3.** Finally in about the middle of September 2014, IACUC provided me the review of my protocol. The reviews demanded that I incorporate the IACUC's food restriction template without any deviations. In response,

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<sup>85</sup> See the last page on "Tabling of Complainant's Protocol July 2014.pdf" and "Email\_from\_Dr.Stepp\_3Aug2014.pdf" in the folder "Misc Correspondence with IACUC".

<sup>86</sup> See email conversation "RE: protocol committee's decision" starting on p. 2 of "Tabling of Complainant's Protocol Sept 2014" in the folder "Misc Correspondence with IACUC"

<sup>87</sup> See "Email\_from\_Dr.Stepp\_3Aug2014.pdf" in the folder "Misc Correspondence with IACUC".

<sup>88</sup> See "Complaint to Mr. Rush about IACUC food policy regulation.pdf" in the folder "Misc Correspondence with IACUC".

<sup>89</sup> See, e.g., "10 Aug 2014 RE Remidner #1 RE URGENT request to speak at the next IACUC meeting.pdf" and "27 sept 2014 email from Dr. Stepp.pdf" in the folder "Repeated denials of protocol renewal by IACUC".

I submitted a revision in which I modified the protocol in every respect I could, but stated, in my itemized response to IACUC's reviews, that I could not change the food restriction procedure, citing detailed reasons<sup>90</sup>. In essence, I told IACUC that deviating from the IACUC's standard template was scientifically necessary, and without this deviation, I could not carry out my federally funded project as approved.

B.11.4. IACUC simply ignored my proffered scientific justification for protocol deviation, and simply repeated its demand that "The IACUC food restriction policy must be incorporated into the protocol with no deviation from the policy"<sup>91</sup>. It was very much like trying to reason with the government of some military dictator who brooks no reason!

This was clearly unlawful, because federal regulations specifically say researchers should have an opportunity to offer a scientific justification for any protocol deviations<sup>92</sup>. Ironically, even the IACUC aforementioned food restriction protocol template itself expressly allowed deviations!<sup>93</sup> Furthermore, even as IACUC was denying me the opportunity to even offer a justification for protocol deviation, it was allowing other researchers to deviate from the template with scientific justification, which is clearly discriminatory on IACUC's part.

B.11.5. Self-evidently, the IACUC's new food restriction policy was, non-compliant at best, and fraudulent at worst, because it is a transparent attempt to cover-up the fraud in Ovechkin's death. In other words, after falsifying the surgical log and necropsy report to make it look like Ovechkin died because he was too lean, IACUC had to appear as though it was doing something to prevent such deaths.

## **B.12. Site audit of GRU by OLAW**

B.12.1. OLAW paid a highly unusual 2-day visit to conduct a field audit of GRU's animal operations on September 15-16, 2014. Although GRU tried and succeeded in stage-managing their visit so as not to allow OLAW to talk to any of the other investigators, I 'crashed' the OLAW rounds and gained an opportunity to talk with a member of the visiting team, Dr. Barton Weick.

B.12.2. I talked with several of the vet techs individually after the OLAW visit. They all said, without prompting, that they would have told OLAW about the various serious non-compliance incidents by the vets, including what they said were several additional incidents of falsification of the records, but there was a vet present at the meeting acting as a "minder". I understand from the vet techs that Dr. Monterroso was present during the meeting with the vet techs on the Gracewood campus, and Dr. Moralejo was present during the meeting on the Health Sciences campus.

B.12.4. GRU did not even have a whistleblower policy until Oct 2014. In Oct 2014, owing to demands from OLAW<sup>94</sup>, the university put in a new whistleblower policy (effective October 30, 2014) using an emergency fast-track procedure that circumvented the GRU Faculty Senate.

## **B.13. Site visit by GRU by AAALAC Intl. (American Association for the Accreditation of Laboratory Animal Care, International; [www.aaalac.org](http://www.aaalac.org))**

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<sup>90</sup> See pp. 3-4 of "Jay\_Hegde\_Itemized\_Responses\_to\_Reviews.pdf" in the folder "Misc Correspondence with IACUC".

<sup>91</sup> See "Email\_from\_IACUC\_26Sept2014.pdf" in the folder "Misc Correspondence with IACUC".

<sup>92</sup> This is also a violation of the law, because IACUC has a statutory obligation to consider – if not necessarily accept – arguments for scientifically justified protocol deviations.

<sup>93</sup> See items #1 and #2 of "Policy on Food Regulation - FINAL.docx" in the folder "Repeated denials of protocol renewal by IACUC".

<sup>94</sup> See "ORR Response LT Wolff 11242014.pdf" in the folder "Records obtained from GRU through GA Open Records Law requests\GaOpenRecReq\_14July2015".



B.13.1. AAALAC is a private, non-profit, independent organization that accredits laboratory animal care. Although maintaining AAALAC accreditation is a *de facto* (although not *de jure*) necessity for an institution to receive animal research grant funding. AAALAC visited GRU on November 11-12, 2014 as a part of a previously scheduled site visit prior to renewing GRU's prior AAALAC accreditation.

B.13.2. Although GRU again stage-managed their visit so that no faculty member who was not an IACUC member or an administrator was allowed to meet with AAALAC site visit team, I again 'crashed' my way in and talked with three of the team members and told them about the various GRU shenanigans vis a vis monkey care, including falsification of documents and retaliation for reporting problems in monkey care. I understand that AAALAC team also was able to talk with the vet techs to get their inputs, too.

B.13.3. I understand that pursuant to its site visit, AAALAC downgraded GRU's accreditation to probationary status.

#### **B.14. Subsequent events**

B.14.1. Nov 20 14 – May 2015: Vice President Sarah White acted as an official go-between IACUC and LAS on the one hand and myself on the other.

On Friday, November 14, 2014, Associate Vice President Sarah White called me and told me she wanted to help me get my protocol approved. (I came to understand later because the AAALAC Intl. team, in their exit interview on the previous day, had expressed serious concerns about GRU's handling of my case.) She indicated that LAS now reported to directly her and through her to SVPR Dr. Diamond. She said she wanted to help me get my protocol approved and get my research back on track. Since I implicitly trusted her through my previous dealings with her, I agreed. During two different meetings on the following Monday (Nov. 17, 2014), I told her, in detail, the problems I had encountered and illegalities (including falsification of documents) that I had witnessed to date. She took detailed notes of several pages.

Throughout October-December 2014, an anonymous IACUC reviewer – later Ms. White told me that it was Dr. Monterroso. It was Vector, it was all Vector" she said on February 16, 2015 phone call -- had continued to make frivolous comments on my protocol. But with Ms. White acting as the go-between between IACUC and myself, I modified my protocol, over several rounds during November-December 2014 so as to minimize the scientific harm to my project. In other words, in the final version that Ms. White and agreed upon on December 19, 2014<sup>95</sup>, I went as far as I possibly could in revising the food restriction protocol while retaining some home that I could perform the study as it was funded by the NSF<sup>96</sup>.

B.14.2. On December 10, 2014, I filed the required annual Progress Report to NSF, in which I outlined the various "irregularities" in animal care at GRU and intimated that the NSF-funded project had come to a complete halt, because GRU vets had taken my sole remaining monkey off protocol in order to retaliate against for complaining about the said irregularities. I also indicated that I was hopeful things will improve, based on the promises I had received from Ms. White.

But on April 17, 2015, NSF suspended my grant until all the issues that I had outlined in my aforementioned annual progress report had been sorted out<sup>97</sup>.

B.14.3. In December 10, 2015 email to Vice President White, cc'ed to Dr. Diamond, SRVP, and Mr. James Rush, the Chief Integrity Officer, I intimated that the IACUC's refusal to approve my protocol was motivated by a desire to cover up past illegalities and by retaliation and discrimination<sup>98</sup>.

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<sup>95</sup> See "Protocol\_DOWNLOADED\_ON\_19DEC2014\_J0IH14B.pdf" in the folder "VP\_Sarah\_White".

<sup>96</sup> See "Dec 10, 2014 email to VP White et al.pdf" in the folder "Repeated denials of protocol renewal by IACUC".

<sup>97</sup> See "Email\_to\_NSF\_18May2015.pdf" in the folder "VP\_Sarah\_White".

<sup>98</sup> See my comments under "(3) IACUC's food restriction policy." on pp. 2-3 of "Dec 10, 2014 email to VP White et al.pdf" in the folder "Repeated denials of protocol renewal by IACUC".

B.14.4. Shockingly, in January 2015, IACUC once again rejected the protocol I had submitted in late December 2015 after hammering it out to address all remaining comments. Once again, the IACUC demanded that I incorporate the IACUC's food restriction template **without any modifications**<sup>99</sup>. In other words, IACUC was actively moving the goal post, and going back on what it had agreed through the mediation of VP White. **So it was clear that the IACUC review process itself was being used against me as a tool of retaliation.**

B.14.5. During the aforementioned February 19, 2015 meeting with Dr. Diamond and Mr. Rush, also attended by Prof. Reese (see §B.10.4), I expressed my concern that IACUC review process itself was being used against me as a tool of retaliation, and that, before proceeding further with restarting my monkey research, I needed assurances from Dr. Diamond and Mr. Rush that some minimum rule of law prevails when it comes to animal care at GRU. After all, I told them, if I go through the time, trouble and expense of restarting my animal research, how do I know that won't be shut down willy-nilly through no fault of mine? **Dr. Diamond was completely responsive. Instead he said I was holding my monkey "hostage", and threatened to have my monkey killed if I did not cooperate with him** (also see B.14.7 below).

B.14.6. During the aforementioned February 19, 2015 meeting in which Mr. Rush told me, quite shockingly, that his investigation had found no violations of the law at all. It was mostly because of this meeting that I filed a discrimination complaint with Georgia Commission on Equal Opportunity ("GCEO"), because it became clear to me during the meeting that GRU had very little interest in holding people accountable for the discrimination, retaliations, etc described herein. Unfortunately, GCEO ruled that "Upon the completion of a thorough investigation into your allegations of unlawful employment discrimination, the GCEO was unable to conclude that the information obtained established a violation of the Georgia Fair Employment Practices Act of 1978, as amended." However, GCEO also pointedly noted that "This does not certify that [GRU] is in compliance with the statute."<sup>100</sup>

B.14.7. **Repeated threats to kill 24Q, my sole remaining monkey.** GRU officials, on at least two different occasions, have threatened to kill the sole remaining monkey in my research study named 24Q. The first occasion was on or about Monday, November 24, 2014 at about 2 pm in the monkey area of the CB building. The comment was made by the designated member-representative of the IACUC, Dr. Michael Brands. This comment was witnessed by myself, VP Sarah White, Dr. David Blake; Matthew Maestri (my Research Assistant); Ms. Andrea Saucedo (vet); and Ms. Nola Shepard (vet tech).

The second occasion was on or about Thursday, February 19, 2015 at a meeting at about 10 am in the office of Dr. Michael Diamond, current SRVP and IO, attended by (in addition to Dr. Diamond and myself), Mr. James Rush (Chief Integrity Officer), Ms. Angelica Hardison (Compliance Analyst and an aide to Mr. Rush), and Dr. Reese.

B.14.8. On March 8, 2015, I sent another letter to Mr. Rush, this time attaching my sworn affidavits of key allegations. In it, I indicated that I had legitimate reasons to believe that serious violations of state and federal laws had occurred in this case, and, since GRU had no capacity to investigate this case adequately, it should refer the case immediately to external law enforcement for a criminal investigation<sup>101</sup>.

B.14.9. In addition to the aforementioned denials of renewal, the IACUC took another adverse action on March 26, 2015, in which they unilaterally withdrew my protocol altogether consideration. They said they did this

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<sup>99</sup> See "Denial of Protocol renewal Jan 2015.pdf" in the folder "Repeated denials of protocol renewal by IACUC".

<sup>100</sup> See "GCEO\_decision\_letter.pdf" in the folder "Misc communications".

<sup>101</sup> See the documents in the folder "Documents submitted to Mr. Rush\Sworn\_affidavits\_submitted\_08March2015".

because they "... have had not received a response to questions/concerns."<sup>102</sup> This is of course completely false, because I have been nothing but responsive.

To the best of my knowledge, information and belief, here is the context of this action: The IACUC has been cited frequently by various federal regulators for its functioning or the lack thereof. IACUC knows it is under scrutiny, and therefore wants to sweep its outstanding problems under the rug so as to avoid being cited again for backlogs and delays. The biggest problem on their docket is from "undesirable person" like myself (apparently this is how one IACUC member described me in November 2014 to the AAALAC Intl. site visit team he was chaperoning). My requests for protocol review had been pending before them for about nine (9) months, and I had formally complained to Mr. Rush during our Feb. 19, 2015 meeting that IACUC was asking for transparently ludicrous revisions of the protocol solely to retaliate against me. Mr. Rush had agreed to look into this, and had volunteered that "the ball is in [his] court", and that my request to renew the research protocol can remain as-is before the IACUC until he issued his promised written report. I had no problem with it, but clearly the IACUC did, because they risked being cited again by federal officials for long delays in deciding on protocol renewal requests such as mine. So they wanted to make the problem simply "go away". So they effectively "cooked the books" by unilaterally withdrawing my protocol renewal request from consideration. **In this specific sense, this action by GRU is directly analogous to the much publicized recent unlawful actions by a few officials in a few Veterans Administration (VA) hospitals to wipe their appointment logs clean to make the delays disappear.**

**B.14.10. Removal of my monkey to a remote site.** On April 13, 2015, over my vociferous written objections, GRU permanently moved my monkey (Crosby) to a remote "Gracewood" facility of GRU in the middle of the woods to which neither I nor any of my research personnel have formal access, and which takes about 45 minutes to reach by car.

I strongly protested this move to GRU officials, including Vice President Susan Norton and Mr. Chris Melcher, GRU's General Counsel (two of the respondents listed herein) and providing my sworn affidavits affirming having witnessed fraud by GRU officials, that this action by GRU is retaliatory, intended to ruin my externally funded human research as well, since the human has to be, by necessity, carried out on the Health Sciences campus<sup>103</sup>. In this email, I told VP Norton et al that, since these adverse employment actions were continuing and worsening with no relief in sight, I wished to bring this into the public spotlight by writing an open letter to GRU President Dr. Ricardo Azziz et al.

In response, VP Norton and Mr. Melcher set up three (3) additional investigations<sup>104</sup>: One by Mr. Glenn Powell (one of the respondents), one by the IACUC, and one by Ms. Norton and Mr. Melcher<sup>105</sup>.

After three months and repeated requests from me and informal reaching out by Prof. Reese for the outcome of her investigations, VP Norton told me, on July 10, 2015 that the various new investigations had found nothing wrong<sup>106</sup>.

**B.14.11.** On May 8, 2015, I again sent detailed set of grievances to Ms. White in her capacity as the official intermediary in this case, and cc'ed to Prof. Reese, among others. Among other requests in this letter, I repeated my request for at least an up-or-down vote on my submitted protocol that she herself worked had worked out to her satisfaction<sup>107</sup>. Ms. White never even responded to this letter, let alone grant this request.

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<sup>102</sup> See "Unilateral Withdrawal of Complainant's Research Protocol by IACUC March 2015" in the folder "Repeated denials of protocol renewal by IACUC".

<sup>103</sup> For details, see "Move to Gracewood.pdf" in the folder "Repeated denials of protocol renewal by IACUC".

<sup>104</sup> See the documents in the folder "Misc documents related to GRU internal investigations".

<sup>105</sup> See "Email from VP Norton et al 24 April 2015.pdf" in the folder "Misc documents related to GRU internal investigations".

<sup>106</sup> See "Email from VP Norton et al 10 July 2015.pdf" in the folder "Misc documents related to GRU internal investigations".

<sup>107</sup> See "JayHegde\_restoring\_NSF\_grant.pdf" in the folder "VP\_Sarah\_White".

B.14.12. On June 14, 2015, I sent another detailed set of grievances to Dr. Diamond in his capacity as IO and SVPR, and cc'ed to Prof. Reese, among others<sup>108</sup>. Among other requests in this email, I repeated my request for at least an up-or-down vote on my submitted protocol, and for an opportunity to scientifically justify my protocol. Dr. Diamond never even responded to this email, let alone grant any of these requests. I believe this reflects a clear-cut violation of GRU's compliance obligations under the law.

B.14.13. On August 11, 2015, VP Sarah White expressly asked NSF to terminate my NSF grant. It is worth noting that her letter makes it sound like, without saying so, it was my fault that an approved protocol was not in place<sup>109</sup>.

I protested to NSF that this was sheer retaliation on GRU's part for reporting various illegalities, and provided additional evidence of document tampering<sup>110</sup>.

But NSF indicated that it had no choice but to terminate the award, because the award is to the institution, and not to the investigator, and terminated the award<sup>111</sup>.

B.14.13. On August 12, 2015, I wrote an email to GRU President Keel about this whistleblower case (including the cancellation of my NSF grant) and asked him if he wanted to meet with Prof. Reese and my-self so he could hear my side of the story before I blew the whistle publically about this case. On August 13, President Keel indicated that he didn't think this meeting would not be appropriate<sup>112</sup>.

It is important to emphasize, however, that this has, and should have, no implication whatsoever on my grievance per se. For one thing, Dr. Keel did not take any position about the merits or otherwise of my grievance. In fact, he might have been saying it would be inappropriate for him to get involved at this stage. Second, even if he had, it should not be factor into the grievability issue because, if it were a factor, the President or the Provost would be able take the Faculty Senate out of a given case simply by taking a position about that case. Third, if President Keel believes that he has a conflict of interest in this case, he can always recuse himself or refer this matter back to the Provost or to the Board of Regents.

B.14.14. On September 2, 2015, one of the Respondents, Mr. Melcher, insisted, self-evidently falsely, GRU had "fully complied with all your prior requests" for information related to GRU various investigations of my case<sup>113</sup>. But when I requested the same documents under the same though my attorney on October 2 and 7, 2015, Mr. Melcher's office miraculously found additional material to be released after all, even as it denied parts of my request<sup>114</sup>.

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<sup>108</sup> See "Email\_to\_Dr.Diamond\_14June2015.pdf" in the folder "Repeated denials of protocol renewal by IACUC".

<sup>109</sup> See "VP WHite\_11August2015\_letter\_to\_NSF.pdf" in the folder "VP\_Sarah\_White".

<sup>110</sup> See documents in the folder "NSF\_10August2015\Email 2".

<sup>111</sup> See "12August2015\_response\_from\_NSF.pdf" in the folder "VP\_Sarah\_White".

<sup>112</sup> See "Correspondence with Pres Keel.pdf" in the folder "Misc communications".

<sup>113</sup> See "Email from Mr. Melcher 02 September 2015.pdf" in the folder "Misc documents related to GRU internal investigations".

<sup>114</sup> See "GRU.OPEN RECORDS REQUEST 01 oct 2015.pdf" and "GRU.OPEN RECORDS REQUEST 07 oct 2015.pdf" in the folder "Misc documents related to GRU internal investigations".

## SECTION C. MY REQUESTS TO THE COMMITTEE

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### C.1 My Requests for the Grievance Phase

C.1.1. I respectfully request that my grievance stated herein deemed grievable.

C.1.2. In the event that the Committee finds that my grievance is not grievable, I respectfully request that the Committee issue a written explanation as to why.

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### C.2. My Requests for the Trial Phase (if granted by the Committee)<sup>115</sup>

I respectfully request that:

C.2.1. The trial be conducted so that the proceedings will have legal validity as evidence in future court proceedings, if any. In particular, I request that all witnesses appearing before the Committee be duly sworn in by someone who is legally authorized to administer the oath.

C.2.2. I be able to examine/cross-examine the Respondents individually, under oath, and in person in a trial setting before the Committee.

C.2.3. The Committee direct all Respondents, and anyone else with a conflict of interest who participates in any part of the proceedings, to disclose it to the Committee.

C.2.4. The respondents be ordered not to coordinate, or communicate about, with each other regarding their testimony in any way,

C.2.5. Respondents be required to appear in person before the Committee during the trial, and that they not be allowed to escape having to appear before the Committee by submitting written responses.

C.2.6. No Respondent be allowed to speak by proxy, *i.e.*, through a spokesperson, attorney, or some other representative. That is, each Respondent be required to speak for himself/herself and no one else, and no one else be allowed to speak for him/her.

C.2.7. All official members of the GRU community, including all faculty, employees and students be allowed to attend the trial. This is because, as noted above, the entire GRU community is the Grievant in this case in a real sense.

C.2.8. I be notified of any and all pre-trial motions and other pre-trial maneuvers by any of the respondents, and be accorded proper opportunity to respond.

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### C.3. My requests for the overall outcome of the proceedings

WHEREAS firmly establishing all relevant the facts of the case by a transparent, demonstrably independent process with no conflicts of interest is a necessary first step;

WHEREAS fall subsequent steps to record, repair, and recompense for the breaches in this case depend crucial on this first step,

WHEREAS the various internal investigations conducted by GRU and inquiries conducted by external entities so far have been demonstrably unable to uncover the whole truth for the aforementioned reasons;

WHEREAS a climate of accountability, compliance and rule of law of the research enterprise is crucial to the integrity of any research university, and crucial to me personally as I try to restart and restore my animal research operations, which I desperately and urgently want to do, as I have repeatedly told GRU officials to no avail;

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<sup>115</sup> I hope that the Committee recognize that these are very reasonable requests, designed to prevent GRU subverting the process to its unfair advantage, as it has done repeatedly before.

I respectfully request that the Committee formally recommend to GRU that:

**(1) GRU refer the case to both federal and state prosecutors for an independent investigation<sup>116</sup>; and**

**(2) GRU ask the GRU Faculty Senate (or an external national/international professional society such as American Association of University Professors or AAUP) to appoint a panel of technical experts, including an equal proportion of scientists and veterinarians with direct experience with monkeys, to carry out a concurrent, independent investigation of the technical aspects of this case and recommend specific corrective measures; and**

**(3) After taking the above two steps, GRU make a public statement that GRU has taken the above two steps pursuant to the recommendations of this Committee of the Faculty Senate; and**

**(4) GRU take all of the above steps in consultation and coordination with the GRU Faculty Senate according to established principles of shared governance.**

It is important to emphasize that, in order to grant these requests, the Committee needs to find **only** that the violations reported herein do, on the whole, merit independent external investigation requested herein. Note also that the Committee does **not** need to make any finding of fact whatsoever about the actual culpability and/or guilt (or lack thereof) of any of the Respondents or anyone else at GRU.

In the event that the Committee decides not to grant one or more of the above requests, I respectfully request that the Committee explain its rationale explicitly and in writing, so as to avoid subsequent misinterpretations, undue exploitation, or misappropriation of the Committee's decision by any party.

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<sup>116</sup> This is because it is clear that both state and federal laws are likely to have been violated in this case.

## SECTION D. A THEORY OF THE CASE

**My informed speculation as to why all of this happened: First, the circumstances of death of Ovechkin (AC70) were covered up, and then GRU officials felt they had to stand by, and double down on, this story**

D.1. **Motive to cover-up.** I believe here's how we've arrived at the current point: When my animal died on January 7th, the vets and Administrators had an interest in making it a non-reportable incident, so that they did not have to report the death to the USDA<sup>117</sup>. So toxicology tests on the blood were botched either intentionally or by malign neglect, the necropsy and surgical records were "adjusted", and an alternative explanation for the animal death "developed", so as to produce a reasonable-sounding, but actually fraudulent, basis for not reporting AC70's death.

D.2. **Legitimizing the cover-up.** The aforementioned alternative explanation that was developed was that AC70 died ultimately because he was old and was in poor bodily condition. (I believe that a fair and rigorous examination of AC70's records will show this to be completely false. On the other hand, if AC70 was really old and in poor bodily condition, why did the vets allow the surgery on him to go ahead in the first place? Also, why was the blood test botched and the records falsified?)

Once AC70 was made out to be in a poor bodily condition, it made sense for the vets and the Administrators to "back up" their story by taking actions that made it look like something was being done. However, the vets and the Administrators knew that the investigators would be up in arms if they did anything to hamper ongoing, approved research. Thus, they limited their actions to minimal, cosmetic measures.

D.3. **Actively discouraging efforts by myself and by others to expose the cover-up.** However, because I was continuing to complain about Ovechkin's death and its aftermath, it was decided to progressively tighten the screws on me (*i.e.*, retaliate against me) until I "got the message". Thus, at first, my remaining animal ('Crosby')'s surgery was cancelled and, after I still didn't back down, 24Q was taken off protocol, and an unhealthy, potentially overfeeding regimen was put in to place for the animal.

When I still continued to ask questions, they gave shifting explanations for their actions, and took various retaliatory actions to silence me, while at the same time conducting sham investigations and taking other bureaucratic measures to appear to be acting lawfully. They continued to put up roadblocks in my attempt to gather information that I lawfully entitled to, so as to keep the whole story bottled up.

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<sup>117</sup> USDA is required to publish on its website all the reported incidents. Presumably if GRU reported my animal's death to the USDA, the matter would automatically become public, thereby adding to the public pressure against GRU.

**Appendix 1. Current List of Known Respondents** (in alphabetical order)

<b>Name</b>	<b>Position</b>
Brands, Dr. Michael	Professor and Chair of IACUC
Melcher, Mr. Chris	General Counsel
Norton, Ms. Susan	Enterprise VP, Human Resources
Powell, Mr. Glenn	Director, Employment Equity
Rush, Mr. James	Chief Integrity Officer
Stepp, Dr. David	Chair of IACUC <i>Emeritus</i>

N.B.

(1) The persons listed herein are listed because he/she in his/her capacity as a GRU official, played an important role in the internal investigations in this case. Listing a specific person as a Respondent in this case is not meant to necessarily imply, by itself, anything about his/her guilt or lack thereof in one or more criminal violations alleged herein, and/or culpability or lack thereof in the civil violations alleged herein.

(2) This is a non-exclusive list and is subject to change as more information becomes available about additional person/s who played a significant role in this case.

(3) In the event a trial is granted, I may call witnesses who are not listed herein as Respondents.

(4) I have little doubt that Mr. Melcher will try to claim, falsely, attorney-client privilege. However, it does not apply in this case, among other reasons because Mr. Melcher participated in the GRU internal investigations and controlled release of information to me<sup>118</sup>.

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<sup>118</sup> See, e.g., documents in the folder "Misc documents related to GRU internal investigations".



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**Appendix 2. A Non-exhaustive Timeline of Some Key Events**

Date	Event
January 7, 2014	Monkey AC70 ('Ovechkin') died under suspicious circumstances while recovering from routine surgery. Blood was drawn specifically for post-mortal toxicology tests
January 8, 2014	Ovechkin's necropsy
January 24, 2014	I began to be aware of the irregularities surrounding the aftermath of Ovechkin's death. Dr. David Stepp, the chair of IACUC, first contacted me to learn about the irregularities.
January 27, 2014	I met with Dr. Stepp to tell him what I saw. Dr. Stepp told me that he thought a cover-up by the veterinarians was underway and that he was going to demand the results of toxicology tests to determine the cause of Ovechkin's death.
January 27, 2014	After talking with Dr. Stepp, I ask the veterinarians where the toxicological testing of Ovechkin's blood stood. Ms. Saucedo, one of the veterinarians, told me that she received Ovechkin's toxicology results by fax, but she shredded them.
January 28, 2014	<ul style="list-style-type: none"> <li>● Ms. Saucedo sent me an email indicating, vis a vis her previous day's statement about shredding documents, that she does so routinely: "Unfortunately, I did not save the fax (never have)."</li> <li>● I talk with the veterinarians in person to express my displeasure about the shredding of the documents etc. This was the beginning of the vets' retaliations against me and mistreatment of my remaining animal, 24Q ('Crosby').</li> </ul>
January 31, 2014	Dr. Stepp does a complete about-face and indicates that the GRU new "narrative" how Ovechkin died (see section D) was in place.
February 1, 2014	Dr. Stepp denied my request for Ovechkin's documents that I am entitled to, saying that "we are reticent to circulate them lest they fall into the wrong hands". He also indicated that Dr. Monterroso, the veterinarian, will show me the documents.
February 10, 2014	Dr. Monterroso unilaterally cancels the previously scheduled surgery on my Second monkey, 24Q ('Crosby'). This was clearly intended to be retaliatory against me, in order to discourage me from seeking accountability for Ovechkin's death.
February 24, 2014	After repeated requests, Dr. Monterroso showed me Ovechkin's necropsy report. When asked why he did not show me the surgical records, he said it would take a lot longer to find it. I told him I would like to see the surgical records, too. I also told him explicitly that the necropsy report does not comport with the actual events during the necropsy.
March 4, 2014	Again after repeated requests, Dr. Monterroso showed me Ovechkin's surgical records, along with the necropsy report he had shown me previously on Feb. 24 <sup>th</sup> . I told him explicitly that the surgical records do not comport with the actual events during the surgery.
March 19, 2014	<ul style="list-style-type: none"> <li>● In another clear instance of retaliation, Dr. Monterroso unilaterally removes my sole remaining animal, Crosby, from my IACUC-approved protocol, even though this animal was absolutely compliant with the protocol as approved. To this day, neither Dr. Monterroso nor any of his superiors have answered my multiple questions about this action.</li> <li>● This represents a complete shutdown of my animal research which continues to this day.</li> </ul>
April 22, 2014	I informed Dr. Michael Brands (then a member of the IACUC and its Executive Committee, and now a chair of the IACUC) that the surgical record and the necropsy report pertaining to AC70's death had been falsified. I also showed him, with facts and figures,

	that my remaining monkey, 24Q, had been taken off protocol in retaliation for blowing the whistle about the falsification.
April 23, 2014	I informed my immediate supervisor about the various irregularities in animal case at GRU, including falsification of regulatory records. (Nothing came of it.)
April 24, 2014	At Dr. Stepp's behest, I met with Dr. Hamrick, Dr. Stepp and Dr. Monterroso in Dr. Stepp's office. During the meeting, Dr. Hamrick repeatedly intimidated me from pursuing my grievances further.
May 12, 2014	Ms. Saucedo filed a <u>fabricated</u> , apparently serious (but hitherto unspecified) complaint of misconduct against my Research Assistant and myself with Dr. Stepp.
August 22, 2014	<ul style="list-style-type: none"> <li>● At a lengthy meeting with Mr. James Rush, GRU's Chief Integrity Officer, I report to him in detail about various violations of the laws and regulations that I had witnessed so far in GRU's animal operations. This meeting was also attended by Ms. Lee Little (GRU's Senior Counsel), Prof. Matthew Bosisio (University Ombudsman), Prof. William Reese (University Advocate), J. Michael Brown (my counsel).</li> <li>● At this meeting, Mr. Brown also submitted to Mr. Rush a request for the records pertaining to Ovechkin's death and its aftermath, including surgical logs, necropsy report, and the documents submitted to OLAW and the external veterinarian. (Mr. Rush has not provided those documents to us to date.)</li> </ul>
September 15-16, 2014	OLAW paid an unusual two-day short-notice visit to GRU to examine its animal operations. I had an unscheduled ~45 minute conversation with Dr. Barton Weick, a member of the OLAW team, in which I summarize some of the violations to him. Dr. Weick told me (to paraphrase) that OLAW's jurisdiction to investigate is limited in this case.
November 10, 2014	I informed Dr. Ruth Harris a member of the IACUC and its Executive Committee that the surgical record and the necropsy report pertaining to AC70's death had been falsified, and that my remaining monkey, 24Q, had been taken off protocol in retaliation for blowing the whistle about the falsification.
November 11-13, 2014	AAALAC International ( <a href="http://www.aaalac.org">www.aaalac.org</a> ), an independent accreditation agency, made a site visit as a part of GRU's accreditation renewal process.
November 14, 2014	Associate Vice President Sarah White first contacts me, promising to help my research project get back on track. She was presumably motivated by the tough message delivered by AAALAC Intl. site visit team to GRU during the exit interview on the previous day.
November 20, 2014	<ul style="list-style-type: none"> <li>● After repeated requests for update on the status of his investigation and of my request for the documents, Mr. Rush had me meet with his assistant, Ms. Angelica Hardison, who has been in charge of conducting this investigation. Prof. William Reese (the University Advocate) is also present at the meeting.</li> <li>● Ms. Hardison informed Prof. Reese and I that GRU had finally instituted a whistleblower protection policy on an emergency basis effective October 30, 2014.</li> <li>● Ms. Hardison informed Prof. Reese and I that many of the key witnesses to Ovechkin's death and necropsy, including (but not limited to) Mr. Bouey, Mr. Maestri, and IACUC members at large have still not been interviewed.</li> <li>● Ms. Hardison again denied me copies of the previously requested documents, saying that Mr. Rush has long believed that I am entitled to the documents for a number of reasons, but <b>GRU's legal department prevented the release of the documents at the last minute</b>. She indicated that it is still GRU's intention to provide me copies of these documents. When specifically asked whether I should file a legal request for these documents under the Georgia Open Records Law, she said that doing so won't be necessary. (It would later turn out that this was just a ploy to discourage me for filing an Open Records request, so that GRU won't have to release the documents. <b>GRU has not voluntarily released these documents to this date.</b>)</li> </ul>

	<ul style="list-style-type: none"> <li>● However, she did <u>show</u> two of the requested documents to Prof. Reese and me, whereupon I pointed out many of the falsifications and explain to her how these falsifications must be deliberate, and cannot possibly be accidental.</li> </ul>
December 10, 2015	I complained by email to Vice President White, cc'ed to Dr. Diamond, SRVP, and Mr. James Rush, the Chief Integrity Officer, that the actions of IACUC and other GRU entities were motivated by a desire to cover up past illegalities and by retaliation and discrimination <sup>119</sup> .
February 19, 2015	In a meeting with Dr. Diamond, SRVP, et al., I verbally repeated and updated my complaints, and followed it up with an email (see "19 Feb 2015 email to Mr. Rush Recap of outstanding requests").
March 8, 2015	I sent another letter to Mr. Rush, this time attaching my sworn affidavits of key allegations (see "March 8, 2015 complaint about fraud and discriminatory practices"). In it, I indicated that I had legitimate reasons to believe that serious violations of state and federal laws had occurred in this case, and, since GRU had no capacity to investigate this case adequately, it should refer the case immediately to external law enforcement for a criminal investigation. (Shockingly, but utterly unsurprisingly, GRU has neither responded to me about this request, nor acted on it.)
April 3, 2015	I sent another letter to various GRU officials, including Ms. Susan Norton, Vice President for Human Resources, complaining about the latest retaliatory actions and attaching my sworn affidavits of key allegations.
April 13, 2015	Despite my vociferous written objections, GRU moved my sole remaining monkey (24Q), to a remote "Gracewood" facility of GRU in the middle of the woods.
April 17, 2015	NSF suspended my aforementioned grant, pending the restoration of my monkey research program that has VO Sarah White had promised to me. They based their action on my annual progress report in December 2015, in which I had indicated that my work had been at a complete standstill because GRU was retaliating against me for blowing the whistle about the falsifications, and that VP Sarah White had intervened and promised to repair the breach.
August 12, 2015	NSF terminated my grant at the express request of GRU.
August 12, 2015	I wrote an email to GRU President Keel about this whistleblower case (including the cancellation of my NSF grant) and asked him if he wanted to meet with Prof. Reese and myself so he could hear my side of the story before I blew the whistle publically about this case. On August 13, President Keel indicated that he didn't think this meeting would not be appropriate <sup>120</sup> .
September 2, 2015	One of the Respondents, Mr. Melcher, insisted, self-evidently falsely, GRU had "fully complied with all your prior requests" for information <sup>121</sup> .
October 2 and October 7, 2015	When I requested the same documents under the same though my attorney, Mr. Melcher's office miraculously found additional material to be released after all, even as it denied parts of my request <sup>122</sup> .

<sup>119</sup> See my comments under "(3) IACUC's food restriction policy." on pp. 2-3 of "Dec 10, 2014 email to VP White et al.pdf" in the folder "Repeated refusals by IACUC to renew my protocol\".

<sup>120</sup> See "Correspondence with Pres Keel.pdf" in the folder "Misc communications".

<sup>121</sup> See "Email from Mr. Melcher 02 September 2015.pdf" in the folder "Misc documents related to GRU internal investigations".

<sup>122</sup> See "GRU.OPEN RECORDS REQUEST 01 oct 2015.pdf" and "GRU.OPEN RECORDS REQUEST 07 oct 2015.pdf" in the folder "Misc documents related to GRU internal investigations".

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### Appendix 3. A Summary of Events Surrounding the Death of Monkey AC70

1. I have verbally reported all the facts contained herein verbally to Dr. Stepp during our January 27, 2014 meeting (see §B.3.2 and §B.3.3 above).

2. The surgery on AC70 was intended to surgically implant, using IACUC-approved sterile surgical procedures, a device for monitoring the activity of brain cells. This state-of-the-art device was developed, and is marketed by, Dr. Charles Gray, Professor of Neuroscience at Montana State University. I therefore invited Dr. Gray to join me for AC70's surgery. It is worth noting that Dr. Gray is not, and has never been, a collaborator or a close friend of mine, and has no conflicts of interest in this matter. However, I have long been on cordial professional terms with Dr. Gray in his capacity as a distinguished senior researcher in the field.

3. After Dr. Gray agreed to participate in the surgery, we duly completed the requisite GRU paperwork for him, including documenting his requisite TB testing in the late fall of 2013.

4. After LAS set the surgery for Tuesday, January 7, 2014. However, IACUC discovered during the last week of December 2013 that Dr. Gray's certification will have expired by Jan 7<sup>th</sup> (although it was valid when IACUC approved Dr. Gray's participation). Since Dr. Gray was traveling in Arizona for the holidays, it was arranged at the last minute that Dr. Gray would get his TB inoculation in Arizona, travel to Augusta, and have it read by Mr. Tim Wilson, an assistant to Dr. Stepp at 8 am on the morning of the surgery.

5. In the morning of the surgery, out of an abundance of caution, I left several phone messages and sent several emails starting at about 5 am to ensure that LAS wouldn't sedate the monkey until Dr. Gray's TB paperwork was in order. But LAS went ahead and sedated AC70 anyway at about 8 am. They then woke him up at about 8:45 am. By that time, Dr. Gray's TB had been read and he had been cleared to participate in the surgery. The vets cleared him to be sedated again, AC70 was sedated again at about 11:30 am in preparation for the surgery. (During my one-on-one meeting with him, Dr. Monterroso asserted that he had looked at the animal himself and cleared him for re-sedation. I have good reasons to worry that this is untrue, because my records indicate that Dr. Monterroso was off-campus on January 7, 2014.)

The surgery began approximately at noon, went smoothly and uneventfully, and concluded successfully at approximately 5:30 pm. . The surgery itself was successful and uneventful. See Table 1 for a list of people in attendance.

6. After Dr. Gray and I finished the surgery, we helped remove the animal from the surgical stereotaxic headholder, as Mr. Bouey of LAS began the routine process of ramping down anesthesia. Once the animal was up and conscious (but predictably wobbly) we, according to custom, stepped to an adjacent area separated (separated from the surgery suite by a glass wall, according to the custom.

7. We observed through the glass wall Dr. Moralejo and Mr. Bouey preparing the animal to be returned to his home case via a transport cage. Prior to putting the animal in the transport cage, Dr. Moralejo gave him an injection -- presumably the painkiller Burpee (*i.e.*, buprenorphine), because it is standard veterinary practice to administer the painkiller after the animal is fully conscious, but shortly before the animal is returned to the cage. At this time, the animal collapsed and stopped breathing.

N.B. I am not certain exactly the name and dosage of the drug administered by Dr. Moralejo that caused the animal's death, because GRU would not share that information with me (although I am legally entitled to it and my federal grant paid for everything including the injection, too). But I am positive that the drug is a narcotic subject to DEA regulations.

8. We rushed in and helped re-intubate the animal, hook up the animal again to vital sign monitors, and administer CPR. We tried this for about an hour or so. Over this period, Dr. Moralejo gave the animal at least half a dozen injections of a drug (presumably a version of noradrenaline/norepinephrine, since that is the usual drug to try to 'shock' a heart in cardiac arrest into beating again), but to no avail. He declared the animal dead after about an hour of this.

9. I specifically asked the blood to be drawn from the diseased animal, so that the cause of death could be precisely determined. I asked Dr. Moralejo to run detailed toxicological tests on the blood, and he agreed. Per standard procedure, LAS took custody of the blood and the animal's body.

10. Dr. Moralejo also told me that necropsy was certain to be inconclusive. I told him that if this the case, I might as well forego necropsy and just to do the blood tests, since the animal's death had meant a sudden and huge financial pressure on my grant. But Dr. Monterroso sent me an email overnight saying that even a negative necropsy result can be useful, and he'd be "... glad to wave [sic] the cost (veterinary cost) of the necropsy", and that he'd like me to agree to go ahead with the necropsy. I therefore agreed to go ahead with the necropsy (see the email conversation of Jan. 7, 2014, with subject line "Necropsy"). The necropsy went ahead as planned.

Table 1. Persons present during the surgery on January 7, 2014 <sup>123</sup>:

Name	During Surgery	At the time of the animal's death	Comments	Has been interviewed by GRU? <sup>124</sup>	Follow-up interview by GRU? <sup>125</sup>
Jay Hegde, primary surgeon	Yes	Yes	Was present continuously throughout the entire day; did not leave anytime in between.	Yes, but only after I actively sought, through Profs. Reese and Bosisio, to present my case to him.)  However, my statements have been almost entirely left out from their records, possible to 'launder' the records of problematic information.	Yes, but only after repeated requests <u>by me</u> .  However, my statements have been completely left out from their records, possible to 'launder' the records of problematic information.

<sup>123</sup> I cannot certify this to be an exclusive list, because I was involved in an extremely delicate brain surgery on the animal through much of the day. But I'm certain Dr. Monterroso was not there.

<sup>124</sup> As determined by the documents released so far by GRU pursuant to requests under the Georgia Open Records Law; see the folder "Records obtained from GRU through GA Open Records Law requests\ Documents from Mr.Rush's investigation\".

<sup>125</sup> As determined by the documents released so far by GRU pursuant to requests under the Georgia Open Records Law; see the folder "Records obtained from GRU through GA Open Records Law requests\ Documents from Mr.Rush's investigation\".

				What kind of investigation fails to record the statements of the main complainant?	
Charles M. Gray, PhD, Montana State Univ. Surgical Assist	Yes	Yes	Was present continuously throughout the entire day; did not leave anytime in between.	<p>Yes. (But, according to their own records, Dr. Gray was never asked about the key matter in contention, i.e., whether the animal ever came out of anesthesia or, as GRU claims, died under anesthesia.)</p> <p>In his statement as recorded by Mr. Rush's office, Dr. Gray says, in part<sup>126</sup>: "Performed and was very happy with the results. Everything looked perfect. There was no indication of a problem during the procedure. ... We observed the veterinarian (presumed) bringing animal up. ... Suddenly the animal stopped breathing. ... My overall impression is that the animal had a reaction to the post-operative analgesics."</p>	No
Mr. Cedrick Bouey, veterinary technician	Yes	Yes	Was present off and on throughout the surgery, except when he left briefly to have lunch. But he was present throughout the end of surgery and animal's death.	Yes, but only after I expressed concern on Nov. 20, 2014 that they hadn't interviewed yet, even after more than 11 months since the incident.	No

<sup>126</sup> See pp. 5-6 of "Case Report.pdf" in the folder "Records obtained from GRU through GA Open Records Law requests\ Documents from Mr.Rush's investigation\".

				<p>According to GRU's own records, Mr. Bouey, when he was finally interviewed on December 5, 2014, stated that the animal "Procedure went fine and [redacted] animal was being woken up. [redacted] He was almost "up" when [redacted] suddenly he started to gag, [redacted] vomit, and then he "went out". [redacted] Recovery effort was initiated [redacted] but animal ultimately died." <sup>127</sup></p> <p>However, GRU failed ask him a follow-up question about what caused him to die after he woke up, even though they knew that one my central contentions was that the animal woke up, and then died out of a drug overdose.</p>	
Ms. Nola Shepard, veterinary technician	?	No	Mr. Cedric Bouey says he remembers she was there, but Ms. Shepard says she wasn't there. Since I was busy with the surgery, I am not sure either way.	No	No
Mr. Matthew Maestri, Research Assistant	Yes	No	He assisted in the surgery throughout the day, and left shortly after 5 pm.	No, not even after I pointed out to them that they haven't interviewed him?	No

<sup>127</sup> See p. 7 of "Case Report.pdf" in the folder "Records obtained from GRU through GA Open Records Law requests\Documents from Mr.Rush's investigation".

to Jay Hegde				If GRU really wanted to find out the truth about AC70's death, why would they not interview one of the eyewitnesses, even after I pointed out to them that they haven't interviewed him?	
Daniel Moralejo, DVM, PhD, associate clinical veterinarian	Was present occasionally, and toward the end of the surgery	Yes	Was present throughout the end of surgery and animal's death.	Yes There are multiple outright falsehoods in his statement <sup>128</sup> .	No
Ms. Andrea Saucedo, MV, associate clinical veterinarian	Yes	No	She mostly alternated with Dr. Moralejo throughout the day, and left at about 5 pm.	Yes	No

\* I cannot certify this to be an exclusive list, because I was involved in an extremely delicate brain surgery on the animal through much of the day. But I'm certain Dr. Monterroso was not there.

Table 2. Complete and exclusive list of persons present during the necropsy on Wednesday, January 8, 2014:

Name	Comments	Has been interviewed by GRU at least once?
Jay Hegde	Was present throughout; solely carried out all examinations of head. No one else carried out any examinations of the head.	Yes

<sup>128</sup> See p. 7 of "Case Report.pdf" in the folder "Records obtained from GRU through GA Open Records Law requests\Documents from Mr.Rush's investigation".



	<p>After the necropsy, he assisted Cedrick Bouey as put the animal's body in a red Bio-Hazard bag and sealed it for final disposal.</p>	
<p>Mr. Matthew Maestri, (Research Assistant to Jay Hegde)</p>	<p>Was present throughout, and assisted Jay Hegde; took a few pictures of the head.</p> <p>After the necropsy, he assisted Cedrick Bouey as put the animal's body in a red Bio-Hazard bag and sealed it for final disposal.</p>	<p>No, not even after I pointed out to them that they haven't interviewed him.</p>
<p>Daniel Moralejo, DVM, Associate Clinical Veterinarian</p>	<p>Was present throughout; carried out all examinations of torso, but no examinations whatsoever of the head. He dictated his necropsy notes to Ms. Saucedo as he carried out his examinations.</p>	<p>Yes</p>
<p>Ms. Andrea Saucedo, MV, Associate Clinical Veterinarian</p>	<p>Was present throughout. Did not carry out any of the examinations herself, but took notes as dictated by Dr. Moralejo and took a lot of pictures on a tablet computer; probably an iPad, probably owned by GRU.</p>	<p>Yes</p>
<p>Mr. Cedrick Bouey, Veterinary Technician</p>	<p>Assisted in the necropsy. After the necropsy, he, with the helped of Jay Hegde and Matthew Maestri, put the animal's body in a red Bio-Hazard bag and sealed it for final disposal.</p> <p>No tissues were saved from the brain, notwithstanding assertions to the contrary by Dr. Monterroso during his Feb 24, 2014 meeting with Jay Hegde.</p>	<p>Yes, but only after I expressed concern on Nov. 20, 2014 that they hadn't interviewed yet, even after more than 11 months since the incident.</p>

#### Appendix 4. Evidence that the Surgical Log was Falsified

*Background: The necropsy report submitted by AU to OLAW expressly stated the mode of death as that “deceased under anesthesia” (see p. 64 of “Necropsy report version#2.pdf” in the folder “NSF\_10August2015\Email 2”). In other words, GRU has officials told OLAW that the animal died under anesthesia.*

*The annotations in the following text, along with my sworn affidavit (see “Affidavit\_1\_Dr.Jay Hegde\_Death\_of\_Ovechkin\_27February2015.pdf” and “Affidavit\_2\_Dr.Jay Hegde\_Falsification\_of\_records\_27February2015.pdf” in the folder “My sworn affidavits”) are intended to show that the animal did indeed wake up from the surgery, and AU’s assertion that the animal died under anesthesia is patently false, and many other lines of evidence that suggest that the surgical log was falsified to offer a false representation of the actual events.*

The numbers in the following text correspond to the numbers in “Oveckin\_Surgical\_Log\_ANNOTATED.pdf” in the folder “Surgical log”. For instance, comment # (1) below refers to the line marked as (1) in Oveckin\_Surgical\_Log\_ANNOTATED.pdf.

For the record, the original, un-annotated version of the log is provided as “Oveckin\_Surgical\_Log\_ORIGINAL.pdf” in the same folder.

(1) By LAS’s own record, the animal weighed a healthy 10.4 kg about a month before the surgery. On the day of the surgery, after overnight fasting for the surgery, the animal weighed about 0.5 kg less. This weight loss due to surgical fasting is normal and expected. But even this weight is well above the normative average weight for adult male rhesus macaques. (See p.1 of the National Primate Research center (Madison, WI) document “Primate Factsheets\_ Rhesus macaque (Macaca mulatta) Taxonomy, Morphology, & Ecology.pdf” in the folder “Repeated denials of protocol renewal by IACUC”. Also see [http://pin.primate.wisc.edu/factsheets/entry/rhesus\\_macaque](http://pin.primate.wisc.edu/factsheets/entry/rhesus_macaque).)

Moreover, the AU’s own necropsy reports, tampered as they were, still listed the animal body condition as either “fair” or “good”, depending on which tampered version is consulted.

Thus even AU’s own records belie their statement that the animal was lean and weak. Even if he was, why was he cleared for the surgery by the vets to begin with?

(2) Buprenorphine (aka Burpee) is a painkiller narcotic. Why would it be administered before the animal woke up from the surgery and the anesthetic was withdrawn (at 5:25pm; see #5 and #6)? This is because administering the narcotic when the animal is anesthetized can itself kill the animal, and will constitute veterinary malpractice.

Indeed, I believe Buprenorphine was not administered at 5:05pm as this entry claims. I believe that Burpee was indeed administered after the animal woke up, but an overdose of Burpee was administered, thus killing the animal. But if AU admits that Burpee was administered after the animal woke up, it will both be admitting, in effect, that it lied to federal officials when it stated that the animal died under anesthesia, and giving credence to my assertion that the animal died of an overdose.

Thus, I believe this line was simply doctored to make up the time when Buprenorphine was given. But whoever doctored this document didn’t even do a competent job of doctoring it, and got the timing all wrong.

Moreover, although the initials indicate ‘CB’ (Mr. Cedrick Bouey, the veterinary technician who was mainly in charge of anesthesia), I strongly believe that one or more entries on this line are not in Mr. Bouey’s handwriting, and were entered by person/s other than Mr. Bouey.

As evidence, I append herewith copies of Bouey’s handwriting from other records in the same folder (*i.e.*, “Surgical log”; also see Mr. Bouey’s handwriting, ending with his initials ‘CB’ in “Dr. Monterroso’s handwritten entry in 24Q’s clinical records.pdf” in the folder “Misc communications”). Note that in his actual handwriting, Mr. Bouey’s initials ‘CB’, and the letters ‘m’, ‘g’, etc appear very different. Issues such as these underscore the need for independent forensic testing to determine the authenticity of the document, which GRU does not have the capacity for.

To be perfectly clear, I strongly believe Mr. Bouey himself had nothing to do with these falsifications.

Mr. Rush's investigation asserted that "Mr. Bouey indicated that many of the entries were indeed his handwriting." (see p. 7 of "Case report.pdf" in the folder "Records obtained from GRU through GA Open Records Law requests\Documents from Mr.Rush's investigation"). This is a characteristically artful and misleading statement. For one thing, it does not mean that all of the entries under his initial were in his handwriting.

These are among the reasons why I believe a forensic examination of these documents is warranted

(3) Meloxicam is an anti-inflammatory drug to help reduce inflammation during post-surgical recuperation, and would not be administered unless all was going well.

(4) Naxcel is an antibiotic to help prevent infection during post-surgical recuperation, and would not be administered unless all was going well.

(5) This indicates that the surgery ended at 5:25 pm, and the animal was extubated (*i.e.*, the tracheal tube for machine-controlled breathing was removed) at 5:35 pm. The tracheal tube cannot, and would not, be removed unless the animal was breathing on his own.

(6) This corroborates statement #5 that the surgery indeed was finished at 5:25 pm. Note that the anesthesia Isoflurane ("Iso %" column at left) is at 0, meaning that anesthesia is completely withdrawn. The withdrawal of anesthesia and withdrawal of tracheal tube can only occur if the animal is either dead or is successfully from anesthesia.

(7) This is the swallowing reflex and, by definition, the animal is alive and has come out of anesthesia at this point, 35 minutes after the anesthesia was withdrawn. This shows that AU made a false assertion to federal authorities when it told them that the mode of death was "diseased under anesthesia".

(8 and 9) Consistent with #6 above that anesthesia was withdrawn at 5:25pm. This belies the aforementioned assertion by AU that contention that the animal "deceased under anesthesia".

(10) Vomiting reflex is only present if the animal is alive.

(11) 'Normal' table is where the animal is prepped post-surgically to return to his home cage for recuperation.

(12) "...animal breath on his own", means, by definition, that he was not dead at this point.

(13) Only one epinephrine injection is recorded here. By I witnessed at least half a dozen of these injections. Thus, this log is falsified in this respect, too.

(14) The time of animal's death, by AU's own admission is approximately 6:30pm, more than an hour after anesthesia was withdrawn. This belies the aforementioned assertion by AU that contention that the animal "deceased under anesthesia".

## Appendix 5. Evidence that the Necropsy Report was Tampered With

(1) **I firmly believe that the necropsy report was tampered with.** I herewith present as evidence of this tampering two ***different, official*** reports<sup>129</sup> of the necropsy report of the ***same*** necropsy, *i.e.*, that of monkey AC70 conducted on January 8, 2014. AC70 was one of the two monkeys in my NSF-funded study.

As summarized briefly below, the differences between the said two necropsy reports raise greatly troubling questions.

(2) Of the said two reports, the one named "Necropsy report #1.pdf" (hereinafter "report #1"; see folder "Necropsy report") is the version that Dr. Victor Monterroso, the chief veterinarian of GRU at the time, showed me, but refused to give me copies of, on February 24, 2014 and on March 4, 2014. It is important to emphasize that this was ***an official document, not just a draft***<sup>130</sup>.

The document named "Necropsy report #2.pdf" ("report #2") was submitted to OLAW by GRU.

(3) These necropsy reports are noteworthy for two different reasons:

(3.1) ***Both documents are falsified.*** I attach two relevant sworn affidavits from me testifying to this effect. I have provided these affidavits to multiple GRU officials on multiple occasions over the last few months to no avail.

The falsifications in either necropsy report are highlighted in yellow in one or both documents (all highlights in all documents are mine).

(3.2) ***One or both the documents have been tampered with.*** I have highlighted, in gray or red, some of the key differences between two documents that show clearly that one or both the documents were clearly tampered with (also see below).

***This complaint focuses mainly on the tampering (as opposed to the aforementioned falsification) of the documents***<sup>131</sup>.

(4) I therefore respectfully and formally ask you that you please require GRU to answer each of the following queries to your satisfaction, and also ask them to cc their responses to me, so that I can contest any falsehoods and/or misstatements:

(4.1) Why is there more than one necropsy report of this necropsy to begin with?

(4.2) Are there, and were there ever, additional alterations of the necropsy report of the said necropsy in existence? If so, who has/had them?

(4.3) Who made the alteration/s in which necropsy report/s? On what date/s? Who aided in the alteration/s?

(4.4) Who was aware that one or more of the necropsy reports were altered?

(4.5) When a document such as this subject federal regulation was altered, why was the alteration not explicitly noted on the document itself, and/or the recipients of the document/s, such as OLAW, advised of it?

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<sup>129</sup> Please note that I do not mean to imply that these are the only two necropsy reports in my possession pertaining specifically to the said necropsy. I will have more to say about this matter GRU expressly denies on record that there are, or were at any time, additional versions of this document in existence.

<sup>130</sup> I will have more to say on this matter if GRU disputes this on record.

<sup>131</sup> As to the falsification of necropsy report, see my sworn affidavit "Affidavit\_2\_Dr.Jay Hegde\_Falsification\_of\_records\_27February2015.pdf" in the folder "My sworn affidavits". I state in this said affidavit that we discarded the skull without ever taking out the brain, contrary to what the necropsy report asserts. The pictorial evidence of that we discarded the skull in this fashion can be seen from the pictures, annotated and unannotated, in the folder "Pictures of AC70's skull at the end of necropsy". These pictures were taken shortly before the skull was discarded in the red BioHazard bag that can be seen in the pictures.

(4.6) Which version/s were submitted to (a) Dr. Luis DeTolla of the University of Maryland (mentioned in multiple letters to OLAW as an external consultant hired by GRU), (b) USDA, (c) AAALAC, and/or other persons and entities?

(4.7) Why was the name of the Jay Hegde (self), who solely handled the examination of the head and the brain during the said necropsy, entirely left out of the necropsy report?

(4.8) Why did GRU refuse to give a copy of the necropsy report to Jay Hegde on its own<sup>132</sup>, even as it was making misleading statements to OLAW to the effect that it had?

(4.9) Please explain, in an itemized fashion, any and all of the differences between the two documents (not just those highlighted by me) including, but limited to, the following:

(a) Why was the cause of death altered?

(b) Why was the sentence "Lung swab collected for culture." removed from the report submitted to OLAW (*i.e.*, report #2)?

(c) Why was the even the existence of the post-mortal blood draws, taken specifically at my request (because the animal appeared to have died from an overdose of a narcotic), to determine the cause of the death not revealed to OLAW? Also, why was it not revealed to OLAW that GRU's veterinarians, by their own admission, mishandled the blood (I believe deliberately) so that it could not be tested to determine the cause of death?

(d) The following sentence was in the November 24, 2014 letter from GRU letter to OLAW (attached herewith):

"Lastly, necropsy showed an area of hemorrhage in the brain at the level of the right lateral ventricle, asymmetry of the white matter, and abnormal depression on the brain surface, suggesting brain damage that could have affected the animal."

Why is this statement, or any statement to this effect, is missing in necropsy report even though this sentence clearly refers to a necropsy finding?

Also, this is one of the many falsehoods in this letter. What is the evidence for this assertion? Furthermore, it turns out that the visiting AAALAC team that visited GRU on November 11-12, 2014 disputed this analysis<sup>133</sup>.

(e) Referring to the animal's body condition score (BCS), both reports say, "BSC score 4/6" (*sic*).

The denominator "6" is clearly added to make the score falsely appear smaller than it is, *i.e.*, falsely make the animal look leaner, to fit the false narrative that the animal was lean and weak when he died. The BCS is a 5-point scale; there is no 6 on the BCS scale<sup>134</sup>.

The denominator was evidently added deliberately, because the document on which the said BCS score was recorded, by GRU's own veterinarians, the BCS score clearly is shown as "4" without the false denominator<sup>135</sup>.

Incidentally, an animal with a BCS score of 4 is, according to the aforementioned standard notation, is "Heavy"<sup>136</sup>.

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<sup>132</sup> To this day, GRU has not voluntarily provided me any copies of this or any other document related to this case. All the documents attached herein were obtained solely through legal requests under sunshine laws. However, GRU clearly was able to mislead OLAW into believing that GRU was adequately complying with OLAW's request to provide "... relevant animal health records to individuals deemed to have a "right to know" by virtue of being a veterinarian, investigator, ... [etc] ". See attached "ORR Response LT Wolff 11242014.pdf".

<sup>133</sup> See highlighted section on p. 3 of the attached "GRU internal discussions about necropsy report.pdf".

<sup>134</sup> Clingerman, K.J. and Summers, L. (2005) *Lab Animal* 34(5):31-36.

<sup>135</sup> See attached "AC70 Physical exam and BCS score December 2013.pdf".

<sup>136</sup> By contrast, "Lean" corresponds to a BCS score of 2.5. Thus, by GRU's own records, the animal was not lean. Therefore, the deliberate addition of the false denominator is seriously problematic at best. It is possible that even the misspelling of "BCS" as "BSC" noted above may also have been deliberate, intended to provide a ready-made excuse to claim that the whole thing was a typographical error.

(4.7) There is evidence that GRU noticed that there were differences between the cause of death as it was noted in one of the necropsy. For instance, in his June 16, 2015 letter to me<sup>137</sup>, Mr. James Rush, the Chief Integrity Officer of GRU, stated that:

"Although documentation of the clinical record of "Ovechkin" did contain a discrepancy as to "mode of death" there was no evidence of falsification. CERM has recommended that the "mode of death" be reviewed and amended as needed."

Was the record amended as noted? If not, why not? If the record was amended, were regulatory agencies, including OLAW, advised of it? If not, why not?

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<sup>137</sup> Please see the attached document "2015 06 Hegde.pdf".

## Appendix 6. Discriminatory Treatment of Monkey Researchers by IACUC

Adverse consequence	Researcher		
	David Blake	He Cui	Jay Hegde [Complainant]
Invited to help craft IACUC's "Food Restriction Policy" applicable to all GRU monkey researchers?	Yes	No	No
Allowed to comment on IACUC's "Food Restriction Policy" template applicable to all GRU monkey researchers before it was formally adopted by IACUC?	Yes	No	No
Was IACUC formally but falsely informed that the Complainant does not have the qualifications to carry out the procedures in the researcher's protocol? Was this accepted by IACUC at face value despite its own written documentation to the contrary?	No and No	No and No	Yes and Yes <sup>A</sup>
Research protocol unlawfully tabled by IACUC?	No	No	Yes <sup>B</sup>
Research protocol unilaterally and unlawfully withdrawn by IACUC?	No	No	Yes <sup>B</sup>
Ordered to forego the ability to carry out scientifically necessary procedures crucial to the researcher's federally funded research study?	No	No	Yes <sup>C</sup>
Afforded the lawful right, under governing federal regulations, to deviate from IACUC's standard policy template for justifiable scientific reasons?	Yes	N.A.	No <sup>D</sup>
When the researcher's monkey was unlawfully taken off the protocol by the GRU veterinarians, did the IACUC, <i>on its own accord and at its own expense</i> , hire an independent external veterinarian to examine the GRU veterinarians' actions?	Yes <sup>E</sup>	N.A.	No
When the IACUC, <i>on its own accord and at its own expense</i> , hired the independent external veterinarian to examine the GRU veterinarians' actions, were monkey researchers in exactly the same situation informed of it before or after the fact?	Yes <sup>E</sup>	N.A.	No
When the researcher's monkey was unlawfully taken off the protocol by the GRU veterinarians, did the IACUC, <i>on its own accord</i> , take expedited measures to put the researcher's monkey back on protocol?	Yes <sup>E</sup>	N.A.	No
When a researcher whose monkey was unlawfully taken off the protocol by the GRU veterinarians begged, in person and in writing, GRU to accord him the same benefit as previously received by other monkey researchers in exactly the same situation, was the request granted?	N.A.	N.A.	No, not to this day.
When the monkey researcher complained that he was being discriminated against, did anyone at GRU – anyone at all – offer an explanation as to why?	N.A.	N.A.	No

<b>Invited to speak before IACUC?</b>	Yes	No	No
<b><i>Permitted</i> to speak before IACUC?</b>	Yes	N.A. <sup>F</sup>	No
<b>Monkeys in the study moved to a remote, inaccessible location away from the researcher's laboratory where the approved research study must be carried out?</b>	No	Yes <sup>G</sup>	Yes <sup>G</sup>
<b>Threatened with forced removal of approved, surgically implanted devices crucial to the funded study?</b>	No	N.A.	Yes
<b>Was the researcher threatened that an animal in his study will be killed?</b>	No	No	Yes
<b>Is there a reasonable chance that the researcher's monkey currently transported to the facility will be returned to his original location next to the laboratory where the approved research study must be carried out?</b>	N.A.	No	No
<b>Did IACUC unilaterally withdraw the research protocol from consideration solely or primarily to evade the scrutiny of federal regulators, including but not limited to UASDA?</b>	No	No	Yes

<sup>A</sup> The Complainant is informed and believes that the then-Chief Veterinarian of GRU, Victor Monterroso, PhD, formally informed the IGRUCUC during its September 25, 2014 meeting [the same meeting to which the Complainant was denied access] that the Complainant did not have the capability to carry out the MRI procedures critical to his study. This was a complete fabrication, and was retaliatory in nature, because the Complainant has widely recognized expertise to carry out the MRI procedure. Besides, not only has the Complainant previously performed the exact same MRI procedure that Dr. Monterroso accused him of not having no ability to perform, but Monterroso's own department, the Laboratory Animal Services ("LAS") had provided veterinary services during the selfsame procedure!

All these facts, along with all my statements about the IACUC in this document, can be ascertained by interviewing the members of the IACUC. (A relevant complication is that GRU keeps the membership of the IACUC a secret, and launders the minutes of the IACUC to remove any evidence of its unlawful actions. USDA has cited the IACUC for this practice see p. 3 of "Unilateral Withdrawal of Complainant's Research Protocol by IACUC March 2015.pdf" in the folder "Repeated denials of protocol renewal by IACUC").

<sup>B</sup> Notwithstanding the fact that IACUC has no authority whatsoever to table a researcher's protocol. It has the authority to vote down a protocol or request/mandate revisions therein, but not table the protocol. The attached "Tabling of Complainant's Protocol Sept 2014 Sept 2014" documents that it was indeed tabled.

<sup>C</sup> See "Tabling of Complainant's Protocol Sept 2014.pdf" in the folder "Repeated denials of protocol renewal by IACUC".

<sup>D</sup> I was not allowed to deviate from IACUC's food restriction policy (see "Tabling of Complainant's Protocol Sept 2014.pdf" in the folder "Repeated denials of protocol renewal by IACUC"), even though such deviation was scientifically necessary, and my exact food restriction was previously approved verbatim by the same IACUC.

<sup>F</sup> I understand that Dr. Cui did not seek to speak before IACUC.

<sup>G</sup> This was carried out on April 13, 2015 (*i.e.*, after the Complainant filed the complaint with GCEO), despite strong earlier protests of the Complainant that it will ruin his career (see "Move to Gracewood.pdf" in the folder "Repeated denials of protocol renewal by IACUC").

<sup>H</sup> Dr. Cui voluntarily removed the said devices.



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## Appendix 7. My Responses to Some Anticipated Questions

### **(1) Why haven't you provided more evidence of wrongdoing?**

**1.1. GRU has made it very hard to gather evidence in this case.** For instance, it has, to this day, failed turn over the documents I was entitled to, such as the necropsy reports and surgical logs. (It is clear that GRU was selectively withholding documents from me, since GRU has been comparable documents to other investigators without any hassle. In other words, it is clear that GRU has been hiding documents from me because it clearly has much to hide.) Thus, the paucity of the documentary evidence in this case is not for the lack of trying on my part, but because the Powers That Be on the other side seem to recognize that they have a personal stake in preventing the truth from coming out, and appear to be misusing their office to ensure that the truth doesn't come out.

1.2. Since GRU has failed to provide me the documents, I have had to spend over \$1100 of my own money in GRU document fees alone<sup>138</sup> to obtain these documents through legal requests under sunshine laws. Even the few documents I have received in this fashion provided such clear-cut evidence of wrongdoing. I have no doubt that this is just the tip of the iceberg. That is, imagine how much more there is to discover in this case if merely scratching the surface reveals this much?

1.3. As alluded above, I am continuing to file requests for additional documents and GRU is dragging its feet as usual. But if I uncover additional documents of note, I will be happy to turn them over to the Committee if the Committee so desires.

### **(2) Hasn't GRU has replaced all the previous officials in charge of animal research? So why not just move on?**

2.1. I have always said – the Committee can ask Prof. Reese about this – that I will be happy to move on as long as there is some accountability for what happened and GRU provides meaningful assistance in helping me get back on track. Not only has GRU not done this, but it has doubled down on its denials and cover-up.

In other words, my animals, my personnel and I are the ones suffering the horrible consequences of everything GRU did. As long as those consequences are still with me how can I simply pretend like nothing has happened and move on. If GRU officials can ruin a faculty member's career willy-nilly in this fashion, how do we know it won't happen to me or to someone else again?

It is worth noting that GRU has not admitted any responsibility whatsoever for anything that happened? Isn't it strange that no GRU official did anything wrong, but yours truly is the one who suffered all the bad consequences?

2.2. It is also worth noting that it is not that none of the current office holders have nothing to answer for. While Drs. Hamrick, Stepp and Monterroso have been replaced, their replacements, Drs. Diamond, Brands and Charlton, respectively have had long-standing involvements in this case.

### **(3) Why have you listed so many respondents? Can't you pick one or two?**

I'm afraid I cannot further whittle down the list of Respondents shown in Appendix I. This is because, to the best of my knowledge and belief, no single Respondent can speak to every aspect of this protracted and complex case. On the other hand, every single respondent listed herein has played a crucial role in this case and potentially has knowledge of one or more violations of the law.

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<sup>138</sup> See, e.g., "Hegde Itemization of Time & Costs.pdf" in folder "Records obtained from GRU through GA Open Records Law requests\GaOpenRecReq\_15Apr2015" and "GRU.OPEN RECORDS REQUEST 01 oct 2015.pdf" and "GRU.OPEN RECORDS REQUEST 07 oct 2015.pdf" in the folder "Misc documents related to GRU internal investigations".

**(4) Why refer this to external law enforcement? Why are the multiple internal “investigations” conducted by GRU sufficient? Hasn’t this case investigated enough already?**

4.1. **In a word, No!** The reasons are briefly outlined below.

4.2. As to GRU’s internal investigations, as noted above, GRU’s own investigations have been a sham, where GRU has clearly tried not to find out the truth and interview all the witnesses. Thus, GRU’s investigations have only served to further the cover-up. Also, **GRU has severe, clear-cut conflicts of interest investigating itself.**

4.3. As to the investigation by external entities such as OLAW it is clear that GRU has simply warded them off by making blatantly false and misleading statements. Besides, as I understand it, OLAW has very serious limitations on its investigative authority: As a legal matter, they have no choice but to take GRU at its word.

4.4. GRU lacks the investigative authority and capacity to properly investigate the civil and criminal violations of the law in this case, such as deposing witnesses under oath, so as to compel the witnesses to tell the truth and the whole truth. It is clear that, so far, GRU administrators have gotten away by refusing to answer key questions or by making false and misleading statements, including to federal regulators. Also, as I have pointed out to GRU before to no avail<sup>139</sup>, GRU lacks the capacity to carry out forensic tests on the physical evidence.

4.5. The seriousness of the evidence that I have provided demands that this matter is thoroughly investigated by competent, neutral, independent entity/entities.

**(5) Won’t it damage GRU’s reputation if this matter becomes public?**

It is exactly with this question in mind that I have done my very best to resolve this matter within GRU. Thus, GRU officials had multiple opportunities, over the last 22 months or so, to resolve this matter lawfully and within the ‘GRU family’, so to speak. GRU officials could easily have resolved this case if they had gone about investigating this case in a fair, prompt, transparent and forthright fashion. Instead, GRU officials hunkered down and used these opportunities to double-down on denying the wrongdoing. It is astonishing that GRU has not admitted that any of the officials did anything wrong whatsoever in this case. **Consider this: One monkey is dead under suspicious circumstances with no accountability, multiple other animals have suffered and (in all likelihood) continue to suffer, multiple investigators have been affected, and the grant of one of the investigators (yours truly) is terminated and his career ruined through no fault of his, but no GRU official did anything wrong whatsoever.**

Therefore, we have to take the long view, and err on the side of caution. We cannot allow the fear of temporary bad publicity to justify looking the other way in the face of compelling evidence presented herein that suggest that multiple serious violations of the law may have been committed in this case. Consider, for argument’s sake, that this was a case of someone in a position of authority abusing a student at GRU. Wouldn’t we err on the side of caution? Shouldn’t we?

**In the long run, it will enhance our reputation as GRU faculty if we stand up for the basic principles at stake here, namely the integrity of the research enterprise and the basic academic freedom of GRU’s faculty members including myself to stand-up for the integrity of the research enterprise without fear of retaliation.**

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<sup>139</sup> See, e.g., “JayHegd \_cover\_letter.pdf” in the folder “Documents submitted to Mr. Rush\Submitted\_August2014”; and also “JayHegd \_request\_08March2015.pdf” in the folder “Documents submitted to Mr. Rush\Sworn\_affidavits\_submitted\_08March2015”.