

## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT

DR. DAVID M. SABATINI,

Plaintiff,

v.

DR. KRISTIN A. KNOUSE, DR. RUTH  
LEHMANN, AND WHITEHEAD  
INSTITUTE FOR BIOMEDICAL  
RESEARCH,

Defendants.

**RECEIVED**

10/20/2021 HG

Civil Action No.:

**COMPLAINT AND JURY DEMAND****INTRODUCTION**

1. This case involves the manipulation and abuse of laws and policies designed to ensure workplace equality to instead punish an ex-lover. The result has been to inflict substantial and potentially irreparable damage to the career of Dr. David M. Sabatini, a brilliant scientist.

2. Beginning in April 2018, Dr. Sabatini had a consensual sexual relationship with a friend, colleague and peer, Defendant Dr. Kristin A. Knouse. At this time, Dr. Sabatini was a world renowned medical and scientific researcher and a tenured professor at MIT with a stellar reputation who conducted groundbreaking research into the pathways that regulate growth and metabolism and how they are deregulated in diseases like cancer and diabetes. Dr. Sabatini was then, and for many years had been, a principal investigator who had his own laboratory at the Whitehead Institute for Biomedical Research (“the Whitehead”) where Dr. Knouse worked as well as the principal investigator of her own lab. Dr. Sabatini’s sexual relationship with Dr. Knouse was effectively over by July 2019. Starting then and through the rest of 2019 and early

2020, Dr. Sabatini made clear to Dr. Knouse on multiple occasions that he did not want a long term relationship with her. After Dr. Sabatini ended the relationship, Dr. Knouse continued to attempt to engage with him sexually and emotionally despite his repeated requests that she stop.

3. In March 2021, the Whitehead commenced an ‘investigation’ into the ‘culture’ in Dr. Sabatini’s laboratory. At that time, almost 40 individuals, including post-doctoral fellows, Ph.D. students, researchers, and others, worked in Dr. Sabatini’s laboratory (the “Sabatini lab”). Dr. Sabatini had a well-deserved reputation for mentoring young scientists that attracted applicants from the best schools in the world. The ‘investigation’ was conducted at the behest of Dr. Ruth Lehmann, who took over as the Whitehead’s Director in July 2020, after Dr. Sabatini made it clear that he did not have an interest in being Director as he wanted to continue focusing on his research.

4. The Whitehead’s ‘investigation’ was a sham. Although ostensibly triggered by a diversity survey distributed to those working at Dr. Sabatini’s lab, less than a half-dozen members of Dr. Sabatini’s lab completed the survey. Instead, the centerpiece of the ‘investigation’ became Dr. Knouse’s fabricated claims that Dr. Sabatini had sexually harassed her (when in fact the exact opposite was the case) and had subsequently threatened to retaliate against her if she reported him.

5. For months, the Whitehead’s attorneys conducted extended interviews, often on multiple occasions, with the members of Dr. Sabatini’s lab. Interviewees reported that the attorneys conducting the supposed impartial investigation spent literally hours attempting to elicit unflattering information about Dr. Sabatini while their descriptions of what lab culture was really like were ignored. Several interviewees complained directly to Dr. Lehmann about the lawyers’ bias and their intransigent refusal to listen to the truth, to no effect whatsoever.

6. When it came time to interview Dr. Sabatini, he requested that his lawyers be present. The Whitehead refused. By contrast, when Dr. Knouse hired an experienced plaintiff's employment lawyer with a reputation for securing multi-million dollar settlements for her clients, Whitehead acceded to Dr. Knouse's lawyer's demands that all written communications take place through counsel and that counsel be present for Dr. Knouse's interviews.

7. Ultimately, the Whitehead's attorneys produced a 229-page report (the "Report") that consisted of rehashing and repeating at enormous length the same small set of complaints about the demanding nature of work at the cutting edge of scientific research in a laboratory singularly devoted to the truth. Not surprisingly, the investigators credited in some measure Dr. Knouse's fabricated tale of harassment although they specifically declined to make a finding of whether the relationship between Dr. Knouse and Dr. Sabatini was consensual. So thin was the evidence against Dr. Sabatini that even the Whitehead's lawyers were obliged to acknowledge, "Sabatini focuses on people's science, not their gender," and "does not discriminate based on gender in terms of whom he supports." As the report also acknowledged, "[w]e did not find any evidence that Sabatini actually retaliated against or punished any person for speaking out against him or raising concerns outside the lab."

8. The Whitehead received the report on August 13, 2021. The Whitehead failed to provide a copy of the report to Dr. Sabatini for review or rebuttal, despite promising that he would have an opportunity to do so. The Whitehead appears to have accepted the report without question despite having been placed on notice by complaints from lab personnel who had been interviewed for the report that that the report was created as a result of a sham process in which interviewers pushed witnesses to tell them what they wanted to hear and ignored credible, unbiased information to the contrary.

9. Then, on August 20, 2021, the Whitehead forced Dr. Sabatini to resign, telling the media that “an investigation by a law firm” had disclosed that he had sexually harassed Whitehead employees. Given Dr. Sabatini’s prominence, multiple media outlets, including the Boston Globe and websites specializing in coverage of the scientific research community, published articles that duly reported and amplified the false statement that Dr. Sabatini was a harasser. The Howard Hughes Medical Institute (“HHMI”), which provided funding support for Dr. Sabatini’s position, terminated him the same day on the same grounds.

10. Even after Dr. Sabatini was fired or forced to resign, Dr. Knouse has continued to inflict damage on his career by spreading lies about him to their shared professional colleagues, including by making false statements that Dr. Sabatini “abused” her and that he was “a Harvey Weinstein.” The Whitehead has compounded this defamation by informing the editors of leading scientific journals that Dr. Sabatini should be removed as a corresponding author on articles in-line for publication and directing co-authors to falsely state in the articles that Dr. Sabatini “is no longer affiliated” with MIT.

11. By their individual and collective actions, which continue to date, the Defendants ensured that Dr. Sabatini’s professional and personal reputations were destroyed, and his career as a leading scientific mind was effectively over.

12. Women in the sciences need opportunities and workplaces free from discrimination or harassment. Dr. Sabatini offered exactly that to the women who worked in his lab, and helped many female members of his lab launch successful careers in academia and elsewhere. What women do not need is someone like Dr. Knouse using false allegations of sexual harassment to get ahead and exact revenge against a former lover.

## **PARTIES**

13. Plaintiff Dr. Sabatini is a resident of Massachusetts with a primary residence in Cambridge, Massachusetts. He was previously employed at the Whitehead and HHMI prior to the termination at the heart of this lawsuit.

14. Defendant Dr. Knouse is a resident of Massachusetts with at primary residence at 170 Tremont Street in Boston, Massachusetts. In 2018, Dr. Knouse established an independent lab at the Whitehead as a Whitehead Fellow. Before Dr. Sabatini's termination, Dr. Knouse left the Whitehead and was promoted to a position in the MIT Department of Biology and Koch Institute for Integrative Cancer Research as an Assistant Professor, a position she currently holds.

15. Defendant Ruth Lehmann, Ph.D., is a resident of Massachusetts with at primary residence at 108 Mount Vernon Street in Boston, Massachusetts. Dr. Lehmann is the Director of the Whitehead. At all relevant times, Dr. Lehmann was acting within the scope of her duties and in her capacity as Director of the Whitehead.

16. Defendant Whitehead is a Delaware non-profit, non-stock entity with its principal place of business at 455 Main Street in Cambridge, Massachusetts.

## **JURISDICTION AND VENUE**

17. This Court has subject matter jurisdiction over this action pursuant to Mass. Gen. L. ch. 212, § 4, which provides this Court with general subject matter jurisdiction over all civil actions.

18. This Court has personal jurisdiction over Drs. Knouse and Lehmann and the Whitehead pursuant to Mass. Gen. L. ch. 223A, § 2 because during the time period of the events relevant to this action they were residents of or had a place of business within Massachusetts.

19. Venue is proper pursuant to Mass. Gen. L. ch. 223, § 1, because Dr. Sabatini resides in this county.

### **FACTS**

#### **The Whitehead And Howard Hughes Medical Institute**

20. The Whitehead is a non-profit research institution founded in 1982 that is focused on improving human health through basic biomedical research.

21. The Howard Hughes Medical Institute (“HHMI”) was founded in 1953 to “conduct discovery research and science education, principally in the fields associated with basic biomedical sciences” with the intention of disseminating and applying knowledge obtained through this research for the “benefit of humanity.” Through a variety of programs, HHMI partners with institutions to provide support for scientists and their research teams.

22. HHMI and the Whitehead have a relationship in which HHMI provides funding for, and in certain instances employs, individuals working at the Whitehead.

23. At all relevant times, Dr. Sabatini was employed by HHMI and the Whitehead.

24. One of the unique programs at the Whitehead is the Whitehead Fellows Program (the “Fellows Program”). The Fellows Program seeks to nurture promising young scientists during their most creative years with the goal of creating new scientific leaders more rapidly than traditional programs. Fellows are given the space, resources and support needed to run their own labs and pursue an independent research agenda without teaching responsibilities. Whitehead Fellows are appointed for a three-year term with the expectation that it will be extended to five years.

**Ruth Lehmann, Ph.D.**

25. Dr. Lehmann earned her undergraduate degree and a Ph.D. in biology from the University of Tübingen in Germany. Dr. Lehmann was elected as the Director of the Whitehead in 2019 and formally succeeded the prior Director in July 2020.

26. After taking over as the Director of the Whitehead, Dr. Lehmann held a dinner for many of the female investigators and trainees at the Whitehead, including Dr. Knouse. Dr. Lehmann stated during this dinner that she intended to “clean-up” the boys’ club at the Whitehead, or words to that effect.

27. Dr. Lehmann has publicly expressed the view that she believes that there is a lot of “sexism” in science.

28. During a presentation at the Whitehead, Dr. Lehmann shared that she had unsuccessfully tried to “oust” a male professor at a prior employer. Dr. Lehmann’s statements made it clear that she was proud of these efforts and was frustrated she did not succeed.

29. Though Dr. Sabatini supported Dr. Lehmann for the position as Director of the Whitehead, a position that Dr. Sabatini had been asked to consider but had turned down, she expressed animosity and hostility towards him after her appointment.

30. One example of this is an interaction that Dr. Lehmann and Dr. Sabatini had at a Whitehead retreat in the fall of 2019, which Dr. Lehmann attended as a guest before she took over her official duties as Director. During a dinner at the retreat, Dr. Sabatini asked Dr. Lehmann what she thought of the scientific presentations she had seen by Whitehead scientists at the retreat. Instead of responding professionally, Dr. Lehmann stared at Dr. Sabatini and asked in a hostile tone “What? Do you want me to tell you that you gave the best talk?” This comment

was so unexpected and upsetting to Dr. Sabatini that he recounted it to several of his faculty colleagues at the Whitehead and other institutions.

### **Dr. Sabatini And The Sabatini Lab**

#### **Dr. Sabatini's Background**

31. Dr. Sabatini received his undergraduate degree (Bachelor of Science) from Brown University in 1990. He obtained his M.D. and Ph.D. from Johns Hopkins School of Medicine in 1997.

32. Dr. Sabatini completed his thesis work in the lab of Dr. Solomon H. Snyder, where Dr. Sabatini discovered the mTOR protein, now recognized as the major regulator of growth in mammals.

33. After obtaining his M.D. and Ph.D. in 1997, Dr. Sabatini became a Whitehead Fellow and established his own lab, the Sabatini Lab, at the Whitehead.

34. Dr. Sabatini became a faculty member of the Whitehead Institute and the MIT Biology Department in 2002 and obtained tenure at MIT in 2006.

35. In 2008, Dr. Sabatini was appointed as an Investigator to the HHMI, a prestigious appointment that comes with generous research funding.

36. Dr. Sabatini also holds positions at the Broad Institute and the Koch Institute for Integrative Cancer Research. Dr. Sabatini was until recently an American Cancer Society Research Professor and in 2016 was named a member of the National Academy of Sciences.

#### **Dr. Sabatini's Work**

37. Dr. Sabatini's work involves discovery research. His work is the type of pure scientific research that contributes to the broader world of scientific knowledge. The National Institute of Health ("NIH") describes this type of research as "pure" or "fundamental" science



and notes that it helps “researchers understand living systems and life processes.” The knowledge obtained by this research can lead to groundbreaking scientific discoveries that impact the world, including “better ways to predict, prevent, diagnose, and treat disease.”

38. Dr. Sabatini’s primary research focus is the mTOR pathway, a central regulator of mammalian metabolism and physiology. Dr. Sabatini’s work probes the basic mechanisms that regulate growth – the process whereby cells and organism accumulate mass and increase in size. Understanding these mechanisms and their roles in healthy and diseased mammals will help researchers better understand and treat cancer and diabetes, two diseases that impact the pathways that control growth. These diseases are among the leading causes of death worldwide. Dr. Sabatini’s research also has implications for obesity, aging, and neurological disease.

39. Dr. Sabatini had phenomenal success in the more than 25 years that he was at the Whitehead. Success for individuals in Dr. Sabatini’s field is measured not only by discoveries made, but also by the publication of scientific research in academic journals, the grants obtained by the scientist and his lab, the sources of those grants, the awards received by a scientist for their research and, most importantly, by the success of the individuals who spend all or part of their training in the scientist’s lab as a graduate student or post-doc.

40. Dr. Sabatini has published over 247 articles during his career, 174 of those as a senior author. Dr. Sabatini’s articles are published in prestigious academic journals such as Nature, Science and Cell.

41. During his tenure, Dr. Sabatini has obtained dozens of grants and tens of millions of dollars of funding for his research. Dr. Sabatini’s funding comes not only from the Whitehead and HHMI, but from the National Institutes of Health (NIH), Department of Defense, American

Cancer Society, and TSC, AFAR, Lustgarten, and LEO Foundations, as well as from many other sources.

42. Dr. Sabatini has received numerous awards, including some of the most prestigious awards in his field:

- Sjöberg Prize, Royal Academy of Sciences (2020)
- Frontiers of Knowledge Award in Biology and Biomedicine (2020)
- Louisa Gross Horwitz Prize, Columbia University (2019)
- Switzer Prize (2018)
- Dickinson Prize in Medicine (2017)
- Lurie Prize in Biomedical Sciences (2017)
- Pius XI Medal (2018)
- National Academy of Sciences Award in Molecular Biology (2014)
- Paul Marks Prize for Cancer Research in (2009)
- Earl and Theresa Stadtman Scholar Award, American Society for Biochemistry and Molecular Biology (2009)

The Sjöberg Prize comes with a \$1,000,000 award to the recipient, \$900,000 of which is earmarked for future research. Dr. Sabatini shared this award in 2020 with Michael Hall for research that “radically changed ideas about cell growth [and] ... [i]n doing so ... laid the foundation for new forms of cancer treatment.” The Louisa Gross Horwitz Prize is often considered a precursor to the Nobel Prize as 50% of the recipients of this award have gone on to win a Nobel Prize. Dr. Sabatini received this award in 2019.

#### The Sabatini Lab

43. Until his termination, the Sabatini lab was one of the largest and most successful labs at the Whitehead. One of the reasons for Dr. Sabatini’s success is the fact that he places a

high value on dedication to pure science and scientific ideas and the pursuit of truly new projects as well as rigorous training of his lab members. Dr. Sabatini conceived of and operated the Sabatini lab to maximize the value of the science research that comes from the lab. In doing so, he created an environment with consistently high standards both for himself and for members of the Sabatini lab.

44. The Sabatini lab employed almost 40 people, with Dr. Sabatini as the lead scientist, as well as administrative staff, research staff, post-doctoral fellows, graduate students, undergraduate students, and other visiting scientists. With the exception of staff, it was generally anticipated that post-docs, graduate students, and undergraduate students would stay with the Sabatini lab for a defined period of time to conduct research towards a degree or to further research after obtaining their Ph.D. or M.D./Ph.D.

45. Post-docs and graduate students often pursued their own areas of interest in the research they undertook in the Sabatini lab. The Sabatini lab and Dr. Sabatini provided the resources to conduct that research, as well as guidance, training, and support.

46. Dr. Sabatini recognized that the individuals engaged in the type of research being done at the Sabatini lab were under enormous pressure. There was pressure to publish, make breakthrough scientific discoveries, obtain grants, and find positions in the competitive world of academia or private companies that supported the type of pure science research that was the focus of the Sabatini lab. This pressure was often self-imposed, and arose from a drive to succeed in a challenging profession.

47. Dr. Sabatini sought to support his lab members in this challenging and competitive environment. He was known for providing mentorship and guidance on research, grants, and long-term career planning. He spent significant time providing written

recommendations and using his professional network to help his lab members advance their careers.

48. He has helped current and former lab members obtain millions of dollars in grant funding for their research.

49. Five of Dr. Sabatini's graduate students have won the Harold M. Weintraub award, widely considered the top international award for graduate students. No other lab at MIT, and possibly the world, has produced more recipients of this award.

50. Of the 36 post-doctoral fellows and 18 graduate students who have completed their time in the Sabatini lab at the Whitehead, 29 are currently running their own academic labs at distinguished research universities or institutions, including Harvard, Stanford, Rockefeller, NYU, Yale, and MIT.

51. In addition to supporting their careers, Dr. Sabatini made efforts to include social and networking opportunities for his lab members. These events allowed Dr. Sabatini to share his passion for discussing and debating science while also providing opportunities for his lab members to relax and build relationships in more social settings. Social events were voluntary and included different activities. For those who did not attend social events, there were other opportunities to debate scientific ideas and build relationships with other lab members.

52. The Sabatini lab trained a wide diversity of members, including a significant number of female lab members. In the 24 years since it started, 71 post-doctoral fellows and students have worked in the Sabatini lab. Of these students, 29 (40%) are racial or ethnic minorities.

53. Before Dr. Sabatini was terminated, the Whitehead listed 22 Principal Investigators (Whitehead Members or Fellows) on its website, 6 of whom – or 27% – were

female. Historically, 27% of the graduate students and post-docs in Dr. Sabatini's lab were female.

54. In addition to his research and direction of the Sabatini lab, Dr. Sabatini has been involved in starting several successful biotechnology companies. Dr. Sabatini's work has not only driven basic biological discovery, but also enabled the development of new drugs to treat cancer and potentially the aging process.

55. At the time of his termination, Dr. Sabatini was in the prime of his career with a stellar reputation. He ran a well-respected lab that was producing top-tier academic and private-industry researchers. He had grant funding from prominent institutions and government sources, was publishing important research and had received some of the most prestigious awards in his field. He had founded or was on the scientific advisory board of numerous companies.

**Kristin Knouse, Ph.D., M.D.**

56. Dr. Knouse received her undergraduate degree (Bachelor of Science) from Duke University.

57. Dr. Knouse met Dr. Sabatini in the fall of 2012 when she started an M.D. and Ph.D. program jointly offered by Harvard University and MIT and enrolled in a course that he was teaching as part of her Ph.D. program at MIT.

58. During her M.D./Ph.D. program Dr. Knouse worked in the lab of Dr. Sabatini's close friend and colleague, Dr. Angelika Amon. Dr. Sabatini agreed to be on Dr. Knouse's thesis committee when Dr. Knouse asked him, and met with her in that context.

59. In September 2017, Dr. Knouse was named as a Whitehead Fellow who would start in 2018. According to the Whitehead's own website, the Fellows Program:

... enables extraordinarily talented young scientists to begin pursuing their scientific visions and launch independent labs right out of graduate school – instead of joining a senior researcher's lab. Fellows come to the Institute with a record of significant accomplishment and a demonstrated capacity to solve major research problems. And they go on to have extraordinary success as leaders of top academic and commercial research programs around the world.

The Whitehead website goes on to state that, while the Fellows program has become a model for other academic centers, “no other organization has equaled its continuing capacity to produce world-class scientific leaders.”

60. As a Whitehead Fellow, Dr. Knouse received dedicated lab space, comprehensive lab funding, and access to shared technical facilities. The value of this Fellowship is reflected in Whitehead's offer to donors to underwrite one five-year Fellowship for \$1,250,000.

61. Dr. Knouse later applied for and received a National Institutes of Health Early Independence Award, which provided \$250,000 per year for up to five years to support Dr. Knouse's lab.

62. Dr. Amon announced that she had been diagnosed with ovarian cancer in March 2018, and that she had a poor prognosis. Dr. Knouse was very emotional about this announcement and concerned she would lose a strong supporter early in her career.

63. By April 2018, Dr. Knouse was named an incoming Fellow (with that position to start on June 1, 2018) with a commitment from the Whitehead for dedicated lab space and comprehensive lab funding. In addition, she had NIH funding of \$250,000 per year for five years, coinciding with the anticipated length of her Fellowship.

**The End Of The Consensual Sexual Relationship Between Dr. Knouse And Dr. Sabatini  
Led To The DEI Survey And A Sham Investigation Of Dr. Sabatini And His Lab**

**Dr. Knouse Did Not Want Her Sexual Relationship With Dr. Sabatini To End, And When  
It Did She Became Determined To Get Dr. Sabatini Fired**

64. Dr. Knouse and Dr. Sabatini began a consensual sexual relationship in April 2018.

65. As set forth in more detail below, what Dr. Knouse told investigators, Whitehead and Dr. Lehmann about her relationship with Dr. Sabatini after it ended was false. In particular, Dr. Knouse did not tell the truth when she reported that the sexual relationship between herself and Dr. Sabatini was not consensual.

66. In a conversation in May 2018, shortly after the sexual relationship began, Dr. Knouse set “ground rules” for the relationship that Dr. Sabatini had to follow. Dr. Knouse made it clear that she did not want the relationship to be exclusive, that she had other sexual partners and expected Dr. Sabatini to accept that, and that the relationship needed to be kept confidential.

67. Dr. Sabatini was also explicit with Dr. Knouse that he was not in a position to pursue a long-term or committed relationship with her. Dr. Sabatini was separated from his wife, and in the process of ending his marriage. Dr. Sabatini told Dr. Knouse that he was unsure what he wanted in a future relationship and did not want her to have any expectations of their relationship beyond what it was, i.e., a casual sexual relationship between individuals who had been friends for some time.

68. Despite the terms she dictated for the relationship, when Dr. Sabatini ended their casual sexual relationship to explore a relationship with another woman in Europe, Dr. Knouse continued to pursue him for a long-term sexual relationship. When it became clear in the late summer of 2020 that Dr. Sabatini remained in a relationship with another woman, Dr. Knouse became determined to destroy Dr. Sabatini.

Dr. Knouse Created The Myth That There Were Problems With The Culture In The Sabatini Lab, And With Dr. Sabatini's Own Conduct

69. Though Dr. Sabatini was not aware of it at the time, Dr. Knouse began to defame Dr. Sabatini when he ended their sexual relationship. This included making comments to candidates for the Fellows Program that Dr. Sabatini had harassed her and pursued her sexually when his pursuit was unwelcome.

70. In the fall of 2020, after Dr. Knouse finally appears to have accepted that she would not have a future relationship with Dr. Sabatini, Dr. Knouse told another Whitehead faculty member that she needed to get Dr. Sabatini fired.

71. Dr. Knouse made her plan and motives for getting Dr. Sabatini fired plain in her conversation with this faculty member. Dr. Knouse indicated that she was jealous that Dr. Sabatini was visiting the woman in Europe and that she wanted to punish Dr. Sabatini. Dr. Knouse told this faculty member that she had gotten advice that the easiest way to get Dr. Sabatini fired was to establish that he had engaged in a pattern of sexually inappropriate behavior.

72. At or around this same time, in October 2020, Dr. Lehmann called Dr. Knouse to speak to her about why she had not applied for a faculty position at Whitehead. During this conversation, Dr. Knouse made her first report to the Whitehead administration that she had experienced "harassment" at the Whitehead.

73. Dr. Knouse knew that Dr. Lehmann would be sympathetic to an allegation, however baseless, that Dr. Knouse had been harassed by Dr. Sabatini. Dr. Lehmann had made prior comments that she intended to clean up the "boys' club" at the Whitehead, she had spoken of her past efforts to oust male colleagues for what she perceived as "sexism," and she had expressed animosity for Dr. Sabatini.



74. Dr. Knouse's allegation of harassment should have raised red flags for both Dr. Lehmann and Whitehead. Dr. Sabatini had a 24-year track record of operating the Sabatini lab with no complaints. The Sabatini lab was not only one of the most successful labs at Whitehead, but it also had a reputation as a well-run lab and an extraordinary track record of helping female post-docs and graduate students find positions in the competitive world of academia or private companies.

75. Dr. Lehmann and the Whitehead ignored these red flags. Indeed, Dr. Knouse's complaint appeared to give Dr. Lehmann the excuse she needed to conduct an anonymous survey of all Whitehead employees with respect to diversity, equity, and inclusion issues.

#### The DEI Survey And Complaints To Human Resources

76. In December 2020, based in part on Dr. Knouse's false complaint about Dr. Sabatini, Dr. Lehmann and the Whitehead launched a Diversity, Equity and Inclusion survey (the "DEI Survey") of all Whitehead employees.

77. The DEI Survey was conducted through Jones Diversity, a third-party consultant.

78. Participants took the DEI Survey anonymously. As a result, the DEI Survey provided a perfect opportunity for Dr. Knouse, and others under her influence, to report false information with little risk of any repercussions.

79. Dr. Sabatini was informed by former colleagues that approximately five out of the nearly 40 employees in his lab participated in the DEI Survey. Of all of the survey results, only two or three individuals who took the survey reported concerns with Dr. Sabatini's behavior or the culture of the Sabatini lab. It is not clear whether these individuals were employed in the Sabatini lab, but in discussions with the five Sabatini lab members who took the survey they

denied saying anything negative about Dr. Sabatini. The reported concerns included allegations based on hearsay and many conclusory or generalized comments.

80. Dr. Knouse hired a plaintiff's employment lawyer with a reputation for multi-million dollar judgments and settlements in employment cases, around the time of the DEI Survey or very shortly after the survey was distributed.

81. A second female Whitehead employee, who was referred to in the Report as Postdoc 6, would also hire to represent her with respect to her employment with the Whitehead.

82. In late January 2020, ten days after Dr. Sabatini told Dr. Knouse about his interest in someone else, Dr. Knouse texted a visiting post-doc working in the Sabatini's lab. Dr. Knouse commented in this text that she had revised her view of her relationship with Dr. Sabatini. In short, Dr. Knouse conveyed that she now viewed her relationship with Dr. Sabatini as not consensual. Dr. Knouse knew that this "view" was false and that by stating that the relationship was not consensual, she intended to cause harm to Dr. Sabatini.

83. In January 2021, Dr. Knouse and two former members of the Sabatini lab complained to the Whitehead about Dr. Sabatini. One of the former Sabatini lab members continues to work at the Whitehead, but completed her training in the lab in 2016. The other left the Sabatini lab in or about October 2020 for an Associate Professor position at Harvard. Both of these former Sabatini lab members who filed complaints were friends with Dr. Knouse.

**The Investigation Was Flawed And Designed To Reach A Conclusion That Would Justify Terminating Dr. Sabatini And Destroying His Career**

**Dr. Lehmann And The Whitehead Ordered The Investigation For The Sole Purpose Of Justifying A Decision That They Had Already Made To Terminate Plaintiff**

84. Dr. Sabatini was told after he was forced out of the Whitehead that Dr. Knouse and Dr. Lehmann spoke frequently and at length concerning Dr. Knouse's complaints about Dr. Sabatini between October 2020, when Dr. Knouse first complained of harassment, and March 2021, when the DEI Survey results were circulated.

85. On information and belief, after she complained about Dr. Sabatini to Dr. Lehmann, Dr. Knouse and her attorney pressured Dr. Lehmann and the Whitehead to conclude that Dr. Sabatini had engaged in misconduct, and to terminate him on that basis. This pressure continued throughout the five-month investigation.

86. During this time period, Dr. Sabatini was not informed of any complaints that had been raised about his lab or his conduct, including the three January 2021 complaints.

87. On information and belief, before any investigation began, Dr. Lehmann and the Whitehead made the decision to terminate Dr. Sabatini from the Whitehead based solely on the false information provided by Dr. Knouse.

88. Dr. Lehmann and the Whitehead knew that Dr. Sabatini's unblemished record in the scientific community would require any termination to be supported by "evidence" of serious misconduct.

89. On information and belief, the Whitehead and HHMI felt pressure to be able to point to evidence of misconduct by Dr. Sabatini so that they could retain the grants that had been awarded to Dr. Sabatini even after Dr. Sabatini left.

90. Dr. Lehmann and the Whitehead thereafter launched an investigation of the "culture" of Dr. Sabatini's lab that was designed to confirm the preconceptions and biases that

Dr. Lehmann had about Dr. Sabatini, which assumed as true the false narrative of harassment and abuse that Dr. Knouse had planted.

91. Though the DEI survey contained complaints by four other individuals about gender harassment unrelated to the Sabatini lab, no other lab at the Whitehead was investigated as a result of the DEI Survey.

#### The Investigation Was Flawed

92. While Dr. Lehmann described the investigation as “independent” it was clearly not. The investigation was paid for by the Whitehead and the scope and direction of the investigation was directed by Dr. Lehmann, the Whitehead and, on information and belief, Dr. Knouse and her attorney.

#### *The Investigation, Led By A Former Criminal Prosecutor, Targeted Evidence Of Guilt*

93. The investigation, conducted by the law firm of Hinckley Allen & Snyder LLP (“Hinckley Allen”), was seriously flawed.

94. William F. Sinnott, a partner at Hinckley Allen, led the investigation. Mr. Sinnott spent the bulk of his career as a criminal prosecutor, including eleven years as an Assistant United States Attorney.

95. The other two attorneys identified as leading the investigation with Mr. Sinnott also had primarily backgrounds in criminal law.

96. The selection of a former prosecutor to lead the investigation had a predictable result. The investigative team focused on evidence of guilt that aligned with the findings that Dr. Lehmann and the Whitehead wanted. The investigators were aggressive with witnesses, repeatedly using leading questions in the style of a prosecutor cross-examining defense witnesses. The investigators targeted evidence that justified terminating Dr. Sabatini or

otherwise forcing him out of the Whitehead. The investigators did not seek, ignored, or minimized evidence that supported Dr. Sabatini, or that refuted Dr. Knouse's false narrative. When a lab member disagreed with the investigators' false theories, the investigators concluded those witnesses were not credible.

97. Furthermore, the Whitehead was aware of the tactics throughout the "investigation." Numerous individuals at the lab complained to Dr. Lehmann that the prosecutors had no interest in the many positive things they said about the culture in Dr. Sabatini's lab, and instead, focused relentlessly (and for hours) on eliciting unflattering information about Dr. Sabatini.

*Dr. Sabatini Was Misled About The Focus Of The Investigation And Denied Due Process*

98. Dr. Sabatini was notified about the investigation in a March 26, 2021, meeting with Dr. Philip A. Sharp and Dr. Susan Hockfield, members of the Whitehead Board of Directors. During this meeting, Dr. Sabatini was told that the culture of his lab was being investigated. He was not told that the scope of the investigation would include allegations by Dr. Knouse concerning their relationship, nor was he told that Dr. Knouse had accused him of sexual harassment.

99. Dr. Sabatini emailed Drs. Sharp and Hockfield after the meeting:

I have to say that I am very dismayed and sad and angry. I did not see this coming as I have always had a zero tolerance policy on such issues and I have many people who can attest to that, including past and current lab members.

I sincerely believe someone from a different lab may have overheard something, misconstrued it and wrote something on the survey. That someone would say that I have threatened to retaliate against them is unbelievable to me. Indeed, I even have Slack messages saying that I would never do that.

100. The same day as the meeting, March 26, 2021, Dr. Lehmann sent Dr. Sabatini a letter confirming that the Whitehead would be “commencing an investigation to determine the culture in your laboratory, including whether there is a basis for the fear and concern about retaliation and the extent thereof.” Dr. Lehmann promised in the email sending the letter that the process “will be fair to the people in the lab and to you.”

101. The investigation began on March 29, 2021.

102. Dr. Lehmann informed Dr. Sabatini that the investigation was expected to take one week.

103. Based on comments volunteered by lab members after their interviews started, Dr. Sabatini became concerned that the investigation was focused on allegations by Dr. Knouse about him personally, despite what he had been previously told about the scope of the investigation. Dr. Sabatini knew that he had not engaged in any misconduct concerning his relationship with her, but he also knew that Dr. Knouse was upset that he did not want to further pursue their sexual relationship.

104. Dr. Sabatini met with Dr. Sharp again on March 31, 2021. During that meeting, Dr. Sharp reassured Dr. Sabatini that the scope of the investigation was about the culture in his lab, as described in Dr. Lehmann’s letter.

105. Still concerned, Dr. Sabatini emailed Dr. Lehmann and Dilly Wilson, Whitehead’s Director of Human Resources, to ask for written notice of any allegations that had been made against him.

106. Both Dr. Lehmann and Ms. Wilson refused to provide written notice of the specific allegations that had been made against Dr. Sabatini. Instead, they repeated the lie that the investigation concerned only “a lab environment that makes individuals feel uncomfortable

due to frequent conversations that are sexual in nature and statements that anyone who complains will be ruined.”

107. Drs. Lehmann, Hockfield and Sharp also all downplayed the potential consequences of the investigation. Dr. Hockfield said that she hoped for a “rapid and positive resolution.” Dr. Sharp said that the Board all hoped for a “speedy and positive resolution.” Dr. Lehmann commented that the Whitehead expected to have “advice” for him at the end of the investigation.

108. The decisions by Dr. Lehmann and the Whitehead to mislead Dr. Sabatini about the scope of the investigation, to refuse to describe the allegations against him in writing (even in a generalized way that did not disclose the name of the complainant), and to downplay the potential consequences of the investigation, put Dr. Sabatini at a disadvantage and denied him basic fairness and due process. Without accurate information on these issues, Dr. Sabatini could not provide information that responded directly to the allegations.

*Dr. Lehmann And The Whitehead Ignored Complaints That The Allegations Were Retaliatory, That Witnesses Were Bullied, And That The Investigation Was Unfair To Dr. Sabatini*

109. Dr. Lehmann and the Whitehead received information that the investigation was unfair shortly after it began. They ignored this information, and denied Dr. Sabatini due process, in favor of pressing forward towards their goal of having the investigators justify Dr. Sabatini’s termination.

110. Numerous witnesses were interviewed multiple times during the course of the investigation. Many of these witnesses reported that they felt that they were re-interviewed because their initial interview did not support the allegations against Dr. Sabatini. These witnesses, most of whom were Whitehead employees, felt pressured by investigators in subsequent interviews to say negative things about Dr. Sabatini.

111. During the investigation, at least two members of the Sabatini lab told Dr. Lehmann in writing that the investigators had acted inappropriately, including pressuring witnesses and intimidating them to report negative things about Dr. Sabatini or agree that his behavior was inappropriate when they did not agree with that conclusion.

112. One of the individuals who complained was Postdoc 7, a female post-doc in the Sabatini lab. Postdoc 7 wrote Dr. Lehmann and Ms. Wilson immediately after she was interviewed by the investigators in late March 2021. Postdoc 7, who had not been accused of any wrongdoing, described the investigators as “accusatory” and “aggressive.” She made it clear that she had “no issues” with Dr. Sabatini and that she was “interrogated in a very unfair way” by the investigators as they were “digging” for negative information on Dr. Sabatini.

113. A male post-doc emailed Dr. Lehmann in early April 2021, expressing concern with how he had been treated by the investigators. This post-doc, who had not been accused of any wrongdoing, said that the questioning by the investigators was intimidating and that the investigators’ insistence on repeatedly asking him the same question made him feel like he was not telling the truth when he was. He also wrote that in his time in the lab he saw Dr. Sabatini stand absolutely behind the values of Diversity, Equity, and Inclusion.

114. Dr. Lehmann ignored these concerns, and the Report does not mention them. The concerns raised by these witnesses, and shared by others, raise fundamental questions about the reliability of the evidence that the investigators gathered. When an interviewer uses aggressive techniques to intimidate a witness to provide testimony or agree with how the interviewer characterizes an event, that testimony is inherently unreliable.



115. After the investigation concluded, other lab members came forward to Dr. Sabatini and to his Whitehead and MIT faculty colleagues to report feeling bullied and harassed by the investigators.

116. Shortly after the investigation started, Dr. Sabatini informed Dr. Lehmann and the Whitehead that he was “convinced” that the investigation was based on false allegations from someone trying to “sabotage him.” He also told them that the vague and generalized allegations that had been shared with him were “unbelievable” and “incredibly false.”

117. Dr. Lehmann did nothing in response to these concerns. Instead, she again reiterated that the investigation was about “information we have [that] suggests a lab environment that makes individuals feel uncomfortable due to frequent conversations that are sexual in nature and statements that anyone who complains will be ruined.” Dr. Lehmann knew that Dr. Sabatini’s concerns about the real source and nature of the allegations were accurate, but again misled him and refused to provide truthful information to him about the allegations against him.

*Dr. Lehmann, the Whitehead, And The Investigators Permitted Dr. Knouse And Her Attorney To Control The Investigation*

118. In any reliable investigation, the investigators have a responsibility to follow the evidence – to obtain and review relevant documents and interview relevant witnesses without restrictions.

119. Dr. Knouse and her counsel prevented the investigators from conducting a reliable investigation. Dr. Lehmann, the Whitehead, and the investigators permitted Dr. Knouse and her attorney to control critical aspects of the investigation, resulting in an investigation that was unreliable and manipulated by Dr. Knouse.

120. Dr. Knouse was slow to produce documents, refused to produce all documents requested, and restricted what the investigators could do with the documents she produced.

121. Dr. Knouse produced only select documents in response to the investigators' request to her for documents. This ensured that Dr. Knouse and her attorney could "cherry pick" those helpful to her and harmful to Dr. Sabatini. She avoided producing documents that show her pursuing Dr. Sabatini, or that otherwise did not fit the narrative Dr. Knouse wanted to present.

122. Dr. Knouse's attorney produced 91-pages of documents during her last interview, after the interview had already started. This denied the investigators a reasonable opportunity to review these documents, prepare to question Dr. Knouse about them, and follow-up on any additional documents that might be needed.

123. The investigators also permitted Dr. Knouse to dictate what could be done with the documents she provided, limiting Dr. Sabatini's ability to view or respond to documents and the investigator's ability to determine if documents were accurate or complete.

124. The investigators conceded that Dr. Knouse's delay in producing documents and the restrictions she placed on her document production presented challenges to the investigation. They also stated that the reason for the delays, despite several requests for the documents, were unclear.

125. The Report describes repeated delays by Dr. Knouse and her attorney in responding to the investigators during the investigation. The investigators conceded that this "extended" the investigation and presented challenges to the investigators.

126. Dr. Knouse's tactics delayed the planned one-week investigation, likely by months. This increased the stress that the investigation placed on lab members, including Dr.

Sabatini. The lab was already under incredible stress because of the pandemic-related work restrictions that limited the amount of time that lab members could work in the lab.

127. The investigators permitted Dr. Knouse to have her counsel present during her second, and final, interview. This was an exception to the Whitehead's policies that was not afforded to Dr. Sabatini during his first two interviews, and was only offered to him for his third interview after it was provided to Dr. Knouse. The presence of Dr. Knouse's attorney limited the investigators' ability to thoroughly interview Dr. Knouse.

128. In contrast with Dr. Knouse, Dr. Sabatini fully cooperated with the investigation, and the investigators noted that he timely produced all information for which he was asked. As described above, Dr. Knouse failed to do this.

129. Dr. Knouse, through her lawyer, controlled the investigation in other ways as well. One witness, Postdoc 6, was initially interviewed by investigators and was generally supportive of Dr. Sabatini. Voluminous messages between Dr. Sabatini and Postdoc 6 confirm that Dr. Sabatini supported her and she confirmed that she felt supported professionally and personally by him. Postdoc 6 eventually hired the same attorney as Dr. Knouse and thereafter changed her story, refused to participate in a second interview and was permitted to submit a written statement instead, likely with her lawyer's input.

130. Like Dr. Knouse, Postdoc 6 only produced selected documents after she obtained an attorney, and refused to permit the investigators to show the documents she provided to Dr. Sabatini. Accordingly, Dr. Sabatini had no opportunity to respond to these documents and the investigators were stymied in their ability to obtain a complete record.

*The Investigators Failed To Address Alleged “Interference” In Their Investigation*

131. The investigators failed to address what they later claimed was Dr. Sabatini’s “interference” in the investigation.

132. The investigators purport to have learned during the first week of the investigation, based on hearsay statements by Dr. Knouse, that Dr. Sabatini was “interfering” with witnesses during the investigation. In fact, when any lab employee came to Dr. Sabatini with complaints about the investigation or about the stress it was inducing, Dr. Sabatini told the individual to cooperate fully and tell the truth.

133. The investigators failed to timely communicate their concerns to Dr. Sabatini so that he could respond or adjust his conduct. Dr. Lehmann also never told Dr. Sabatini in words or substance that he was hampering the investigation.

134. Instead, the investigators used this to “set up” Dr. Sabatini, ultimately relying heavily on numerous hearsay reports of Dr. Sabatini’s alleged interference to make negative credibility determinations about Dr. Sabatini and support another finding of misconduct.

*Plaintiff Was Denied An Opportunity To Respond To The Investigation Report*

135. Dr. Lehmann and Ms. Wilson promised Dr. Sabatini that he would have an opportunity to review and respond to the Report after the investigation was concluded.

136. The right to review a draft report and provide comments to the investigators ensures that someone accused of misconduct has a full and fair opportunity to respond. It can also correct factual errors made by investigators. The ability to comment on a draft report is so important that many research institutions, such as MIT, provide faculty with this right as a matter of policy.

137. Dr. Sabatini was not provided with an opportunity to respond to the Report. The Report was provided to Dr. Lehmann, the Whitehead, and HHMI on August 13, 2021. Dr. Sabatini did not receive a copy of the Report until August 19, 2021, the day before he was publicly terminated by HHMI for “cause” and forced by the Whitehead to resign.

### **The Flawed Investigation Led To False Findings Of Misconduct**

138. The Report submitted by the investigators summarized a number of factual findings that the Whitehead used to force Dr. Sabatini to leave and that HHMI used to fire him.

139. Like the investigation, these “findings” are flawed. In many instances, the factual conclusions drawn by the investigators are not supported by reliable evidence or are contradicted by evidence ignored by the investigators.

### **Dr. Sabatini Did Not Sexually Harass Or Have An Inappropriate Relationship With Dr. Knouse**

140. The investigators concluded that Dr. Sabatini had a relationship with Dr. Knouse that constituted sexual harassment and violated the Whitehead’s sexual harassment policy.

141. This false finding was highlighted by both the Whitehead and HHMI in communications sent to their employees announcing that Dr. Sabatini was no longer associated with either institution. Numerous news articles reported only this conclusion – that Dr. Sabatini had been fired for sexual harassment.

142. The conclusion that Dr. Sabatini sexually harassed Dr. Knouse was made even though the investigators “did not assess” whether the relationship between Dr. Sabatini and Dr. Knouse was “consensual because that question fell outside the investigative mandate.”

143. The investigators’ refusal to make a finding as to whether the relationship between Dr. Sabatini and Dr. Knouse was consensual because it was outside the scope of the investigation speaks to three troubling issues with the investigation. First, the fact that the

investigators were directed not to make such finding indicates that the Whitehead controlled the investigation, limited its scope, and dictated the investigators' findings. Second, it indicates that there were problems with Dr. Knouse's credibility on this fact that prevented the investigators from crediting what she told them. Third, the evidence of 'harassment' which was thin at best, vanished entirely when the consensual nature of the relationship was acknowledged.

144. However, to find that Dr. Sabatini sexually harassed Dr. Knouse in violation of the Whitehead's policy, the investigators had to conclude that Dr. Sabatini engaged in sexual advances towards Dr. Knouse that offended her, were nonconsensual, and that affected her employment. To make this false finding, the investigators relied on two key facts: (1) that Dr. Knouse was coerced into a relationship and other unwanted interactions with Plaintiff and (2) that Dr. Sabatini had the ability to affect Dr. Knouse's employment and used that ability to coerce the relationship and other unwanted interactions. The findings of the investigators on both of these points is directly contradicted by the facts.

*The Relationship Between Dr. Sabatini and Dr. Knouse Was Consensual*

145. Dr. Knouse was not coerced into a sexual relationship with Dr. Sabatini.

146. The personal relationship between Dr. Knouse and Dr. Sabatini was casual and consensual and lasted from approximately April 2018, through the end of 2019. The sexual component of the relationship was infrequent and did not last throughout the entire relationship. Indeed, by July 2019, the sexual relationship had effectively ended and Dr. Knouse and Dr. Sabatini remained good friends.

147. Shortly after the sexual relationship began, Dr. Knouse set "ground rules" for the relationship, including that she did not want the relationship to be exclusive, and that the relationship needed to be kept confidential because she was concerned it would impact her reputation at the Whitehead.

148. Indeed, Dr. Knouse told Dr. Sabatini that she was engaged in non-exclusive sexual relationships during the time she was also with Dr. Sabatini, including someone she referred to as her “anesthesiologist f\*ck buddy” and others she described as her “finance bros.”

149. Although the sexual component of their relationship was only sporadic, Dr. Sabatini and Dr. Knouse socialized together regularly as close friends, and towards the end of December 2019, Dr. Knouse formally declared to him that she wanted to be his “life partner” but that she did not need to get married or have children. In response, Dr. Sabatini told her that he was interested in exploring a relationship with someone else who lived in Europe.

150. Text messages between Dr. Knouse and Dr. Sabatini after this disclosure were almost all friendly, but clearly indicated Dr. Knouse’s interest in Dr. Sabatini as a long-term romantic partner. Both scientific and personal issues were discussed.

151. On January 13, 2020, Dr. Knouse texted Dr. Sabatini that “I’m left wondering whether you would put in the same amount [of effort] for me and not certain there would be a point when you care enough about a relationship to fight for it and give it the amount of effort I would want and deserve to be happy.”

152. This text was sent by Dr. Knouse after Dr. Sabatini had indicated that he was interested in pursuing a relationship with a woman in Europe. Not only does this confirm that Dr. Knouse had been engaged in a consensual relationship with Dr. Sabatini, but it also evidences her desire to continue that relationship even though Dr. Sabatini sought to end it and had told Dr. Knouse many times that he was not interested in a long-term relationship.

153. Dr. Sabatini responded to this text by telling Dr. Knouse that he did not have the “energy or bandwidth to get into this now.”

154. Two days after this exchange, when Dr. Sabatini had not responded to several texts from Dr. Knouse, she texted him that she gets “anxious when I don’t hear back from you.” She expressed concern that his failure to respond was “evidence to this growing feeling that you don’t care about me the way that I care about you.”

155. This text again shows Dr. Knouse pursuing a relationship with Dr. Sabatini after he made it clear that he was not interested in a continued relationship. In later texts Dr. Knouse continued to press the relationship with Dr. Sabatini, even challenging him as to whether he has the same “intellectual/ambition connection with” the woman in Europe that Dr. Knouse claimed she and Dr. Sabatini had.

156. By this point in time Dr. Sabatini had clearly and unequivocally ended their personal relationship. Despite this, Dr. Knouse pursued Dr. Sabatini. Her advances were unwelcome, she was told that they were unwelcome, but she continued to make them.

157. At one point, Dr. Sabatini wrote to Dr. Knouse to “please stop” sending him texts. In another text Dr. Knouse admitted that she did not want “to keep bothering” Dr. Sabatini but that his “need for space and exploration” was difficult for her to handle.

158. Dr. Knouse and Dr. Sabatini had little or no communication from late January 2020 to April 2020. In or about April 2020, Dr. Knouse voluntarily began interacting with Dr. Sabatini again. Dr. Sabatini has been informed that Dr. Knouse did so because she assumed Dr. Sabatini’s relationship with the woman in Europe had ended because of the pandemic. Dr. Sabatini had not told Dr. Knouse that the relationship with the woman in Europe had ended, and that relationship had, in fact, not ended.



159. Dr. Sabatini understands that Dr. Knouse learned in or about August – September 2020 that he was continuing his relationship with the woman in Europe. Dr. Knouse again stopped interacting with Dr. Sabatini at that time.

*There Was Extensive Evidence That Dr. Knouse Willingly Participated In Other Interactions With Dr. Sabatini, Including Sexual Banter*

160. Despite overwhelming evidence in her own hand of the consensual nature of the relationship, Dr. Knouse painted to the investigators herself as an unwilling participant in not only the sexual relationship with Dr. Sabatini, but also in other interactions with him. This narrative was false, and the investigators knew or should have known based on the evidence before them that it was false.

161. The evidence is to the contrary, and confirms that Dr. Knouse proactively sought out certain interactions with Dr. Sabatini that she later claims were forced or coerced.

162. One example of this is the whiskey tastings at the Sabatini lab.

163. When she was in Dr. Amon's lab Dr. Knouse was one of many individuals, including other graduate students from outside of the Sabatini lab, as well as other Whitehead Fellows and Faculty who attended social events held by the lab.

164. Whiskey tastings were held occasionally by Dr. Sabatini for his lab members and friends of the lab. Dr. Knouse was an eager participant. At different points she joked that she was the brains behind the whiskey tastings, and Dr. Sabatini was simply the "credit card."

165. A few days after their sexual relationship began, Dr. Knouse commented to Dr. Sabatini in an email "If I am ever sufficiently established and rich we can hire a shared admin to manage and book all domestic and international whiskey endeavors. Broadly classified as scientific inquiry."

166. Nevertheless, Dr. Knouse falsely reported to the investigators that she felt “uncomfortable” with the whiskey tasting invitations and “did not feel she could decline them.” She also falsely reported that Dr. Sabatini bullied her by pressuring her to schedule and manage the whiskey tastings, and felt she could not refuse due to his power over her.

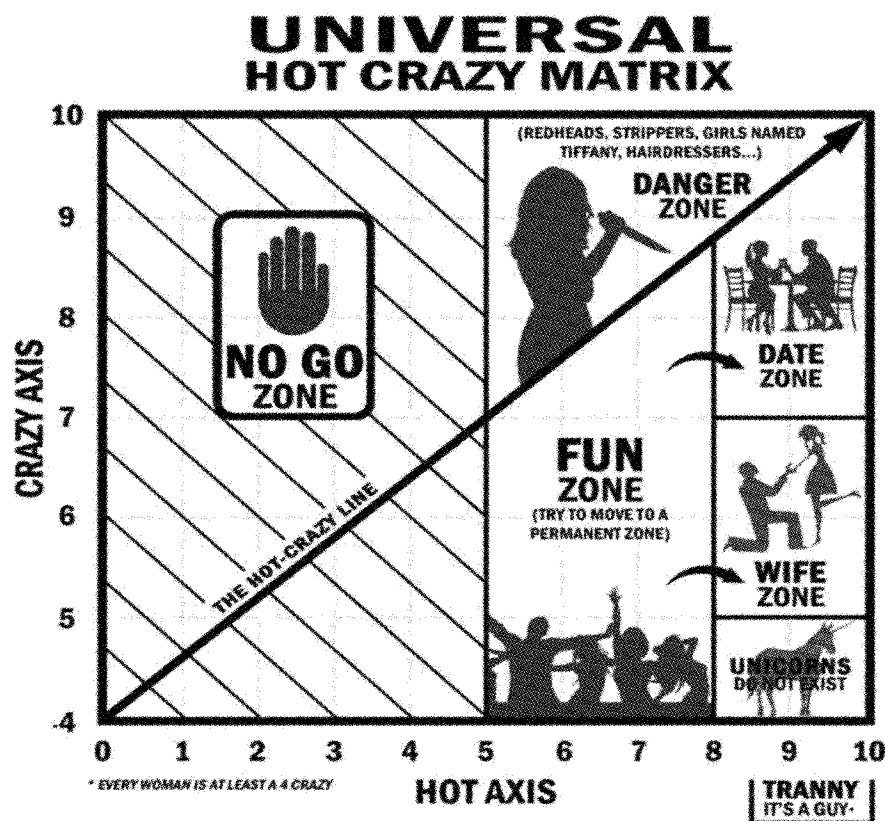
167. Her responses to the whiskey tasting invitations undermines what Dr. Knouse told the investigators. Dr. Knouse did not just respond to the invitations indicating whether she would attend or not. Instead, she sent lengthy emails to Dr. Sabatini and others describing her participation in other whiskey tasting events, suggesting good places in Boston and elsewhere to taste whiskey, naming particular whiskeys that would be interesting to try during the tastings at the Sabatini lab and the order in which they should be tasted based on their PPM (parts per million phenol).

168. The investigators also minimized instances where Dr. Knouse initiated sexual banter with Dr. Sabatini in finding that Dr. Sabatini was the sexual harasser, and attributed such conduct by Dr. Knouse to her attempts to please him by mimicking his behavior. This narrative was false.

169. Dr. Knouse not infrequently made sexual, gender-based, or “dirty” comments to Dr. Sabatini by text. In one exchange she suggested “testicle toss or cornhole” as games for the Whitehead. She wrote such comments to others, including a visiting post-doc in the Sabatini lab, to whom she commented that she had a need “for more dick in my life” and sent him pictures of wallpaper decorated with penises. Despite this, the investigators did not make any finding that Dr. Knouse had violated the Whitehead’s sexual harassment policy.

170. On January 12, 2020, for example, Dr. Knouse (who is a redhead) sent, completely out of the blue, the following image to Dr. Sabatini by text, along with the statement

“Informative data: redheads serving as the primary example of danger zone.” This text and image were shown to the investigators, but not referenced in the Report.



*Dr. Sabatini Did Not Have Any Power To Affect Dr. Knouse’s Employment*

171. At the time this relationship began, Dr. Sabatini had no actual role in Dr. Knouse’s professional career and no policy of the Whitehead prohibited this type of consensual relationship.

172. Dr. Sabatini and another Whitehead faculty member had been identified in the application for Dr. Knouse’s NIH grant as a mentor to Dr. Knouse in the Fellowship Program.

173. The responsibilities of a mentor in the NIH application were described as providing “guidance and feedback ... on such topics as planning scientific projects, grant writing, student and post-doc motivation, effective presentations and management.”

174. Dr. Sabatini was not aware that he had been identified as Dr. Knouse's mentor in this application, and was never shown the application.

175. It was not until February 2019, that Dr. Knouse suggested to the Whitehead administration that Dr. Sabatini and another Whitehead faculty member be named as her mentors in the Fellows Program. Dr. Knouse stated that she thought the individuals she identified would be "ideal fits" because of their "research complementarity and mentoring philosophy."

176. The Whitehead has no formal written documentation regarding the role or responsibilities of mentors to individuals in the Fellows Program. In his role as Dr. Knouse's mentor, and in a separate role as Director of the Fellows Program (to which he was appointed only after Dr. Knouse became a Whitehead Fellow), Dr. Sabatini did not have any authority to hire or fire Dr. Knouse. Dr. Knouse did not report to Dr. Sabatini and Dr. Sabatini had no authority to direct how Dr. Knouse managed her lab or her research, nor did he in fact do so.

177. Dr. Knouse's other mentor in the Fellows Program described the relationship with Dr. Knouse as a "peer" and noted that Dr. Knouse was "fully independent" and that he did not supervise her.

178. In at least one email, Dr. Knouse, who was responsible for a more formal mentorship relationship with her own trainees in her lab, stated that the training and mentoring statements commonly required in applications for faculty positions were "bullshit."

179. There was no basis for the conclusion that Dr. Sabatini had any ability to affect Dr. Knouse's career or job. At the time the relationship began, Dr. Knouse was engaged in a separate area of research, she had long-term funding through both the NIH and the Whitehead, over which Dr. Sabatini had no control. Like Dr. Sabatini, she had her own lab.

180. The investigators attempted to use the fact that Dr. Sabatini was, along with another Whitehead faculty member, nominally Dr. Knouse's mentor to suggest that he had some agency over her. As set forth above, this mentor position did not provide Dr. Sabatini with any influence over Dr. Knouse's secure position in the Fellows Program.

181. At no point in time did Dr. Sabatini engage in any behavior that adversely impacted Dr. Knouse's employment or career. To the contrary, even though they had separate labs and separate areas of research (and irrespective of the status of their personal relationship), Dr. Sabatini provided Dr. Knouse with the professional support she sought and offered her additional professional support, some of which she rejected.

Dr. Sabatini Did Not Create A Culture of Sexual Harassment Or Sexually Inappropriate Conduct In The Lab

182. The investigators also found that Dr. Sabatini "engag[ed] in" and otherwise tolerated sexist and sexualized discussions with his lab. This finding is false and, based on evidence that was before the investigators or easily available to them, the investigators knew or should have known it was false

183. In part, this finding stemmed from an extremely inflammatory and generalized allegation in the anonymous DEI Survey that Dr. Sabatini "openly sexually harassed women in his lab and threatened to 'ruin the careers' of trainees who commented on the harassment." The sole basis for this false allegation was a stray comment (which the recipient did not find offensive) and the misplaced perception that Dr. Sabatini favored attractive women.

184. In finding a sexualized atmosphere within the lab, the investigators credited entirely: (a) allegations of Dr. Knouse (as crafted by her attorney), (b) allegations of a graduate student in Dr. Knouse's lab who echoed the allegations made by Dr. Knouse, (c) secondhand allegations by a research support staff member, (d) statements made which predated the

investigation (because the reporter refused to participate in the investigation), and (e) only one individual who was actually a member of Dr. Sabatini's lab. The investigators refused to credit anything Dr. Sabatini had to say on the matter and permitted Dr. Knouse to conceal documents that would have provided context and relevant information.

185. With respect to the individual in the Sabatini lab, the Report alleged that Dr. Sabatini made a comment in which he suggested that he "preferred European women." Notably, the individual to whom he made the comment was not offended by it and reported that it had been made in a "joking fashion" when confronted about the comment by the investigators.

186. In attempting to heighten the allegations against Dr. Sabatini, the Report essentially projects onto Dr. Sabatini the perception of a few members of the Whitehead that he was partial to attractive women. In support, the Report relies on three separate comments: (1) a comment made by a male graduate student to a female undergraduate that she should "play hard to get"; (2) a stray comment by a graduate student to Dr. Knouse that Dr. Sabatini used the whisky tastings to "drool" over Dr. Knouse; and (3) a text exchange between a post-doc in the Sabatini lab and another individual, in which the other individual asserted there was sexism in the Sabatini lab.

187. These vague allegations do not square with reality. The female undergraduate in question refuted that anything untoward ever occurred between her and the Dr. Sabatini, and even the female post-doc to whom she reported the comment labeled it "absurd".

188. As to a graduate student's single comment to Dr. Knouse, there is no evidence that Dr. Sabatini behaved inappropriately towards her at any whiskey tastings. Notably, the observation was made during a period when Dr. Knouse and Dr. Sabatini were engaged in a consensual sexual relationship.

189. As described above, Dr. Knouse was not only an eager participant in the whiskey tastings, but she also took pride in participating and directing them.

190. Finally, in the text exchange between the post-doc from the Sabatini lab and the other individual, even while complaining about her perception that Dr. Sabatini preferred men in the lab, she acknowledged that female lab members succeed in the lab “if you are extremely smart and impress him with that.” This same individual also asserted that Dr. Sabatini was “actively trying to recruit more women to the lab.”

191. These remarks are not emblematic of a pervasive, sexualized culture within the lab. Nevertheless, the Report falsely states that engaging in sexualized discussions was “an implicit part of succeeding in his lab.” However, it provides no evidence whatsoever that trainees who refused to engage in such alleged conduct were harmed in any way. To the contrary, many individuals who did not engage in any type of sexualized banter have been supported by Dr. Sabatini without hesitation and have gone on to successful careers in academia.

There Was Not A Culture Of Fear And Retaliation In the Sabatini Lab And Dr. Sabatini Never Failed To Support A Lab Member Because They Disagreed With Dr. Sabatini Or Raised Concerns Outside Of The Lab

192. The Report falsely found that there was “a culture of fear and retaliation” in the Sabatini lab, despite the absolute dearth of evidence that Dr. Sabatini had engaged in any misconduct. Again, the investigators simply ignored contrary evidence in order to shape a pre-determined narrative, as the evidence before them was decisively to the contrary.

193. As with so many of its findings, this one too originated with anonymous concerns raised in the DEI Survey where one respondent suggested that lab members were afraid to report concerns outside the lab because they feared “retribution” from Dr. Sabatini, and specifically that Dr. Sabatini had threatened to “ruin” the careers of individuals who trafficked in

a rumor (which was untrue) concerning an inappropriate relationship between him and a non-MIT undergraduate student.

194. The investigators did not find any evidence that Dr. Sabatini made this threat. Nor did the Report “find evidence to support the allegation that Sabatini explicitly told lab members not to report concerns to Whitehead HR.” Instead, the Report relied on the “tremendous amount of authority as the PI and head of the lab,” that Dr. Sabatini holds over members of his lab to argue that lab members implicitly understood not to report concerns to HR. Specifically, with respect to lab members directly, the Report asserts that Dr. Sabatini accomplished this through (1) passing comments like calling the Whitehead’s Safety and Office of Sponsored Program “two-bit bureaucrats” for enforcing rules regarding eating and drinking in the lab, which implied to some lab members that lab members should not report comments to HR; and (2) Dr. Sabatini’s counseling of trainees not to engage in unfounded gossip about an allegedly inappropriate relationship between an undergraduate lab member and himself, which purportedly created a chilling effect on lab members.

195. The lab members who were interviewed for the investigation uniformly refuted these assertions. Indeed, the Report conceded:

[W]hen asked if Sabatini took advantage of that power, all the trainees (current and former lab members) said no. In their respective interviews, several of the lab members rebutted the notion that Sabatini would “blackball” anyone in his lab and, instead, emphasized Sabatini’s long track record of placing his trainees in prestigious academic programs when they leave his lab.

196. That is borne out by the fact that Dr. Sabatini has never withheld a reference.

197. Moreover, the Report “did not find evidence that Sabatini promoted – or directly blocked– trainees from reporting concerns to HR.” To the contrary, the Report stated that “several lab members claimed they would feel comfortable bringing concerns to HR,” a finding



that undermines the investigators' conclusions that Dr. Sabatini created a culture where lab members feared raising concerns, including with human resources.

198. With respect to the allegation that Dr. Sabatini spoke strongly to a group of graduate students to prevent them from further trafficking in unfounded gossip about the undergraduate woman, the Report ignores that the post-doc for whom the undergraduate worked specifically asked Dr. Sabatini to intervene. If the trainees genuinely believed that Dr. Sabatini had a retaliatory bent, the post-doc would not have reported the comment to Dr. Sabatini at all and would not have sought his intervention.

199. Ultimately, the Report “did not find any evidence that [Dr.] Sabatini actually retaliated against or punished any person for speaking out against him or raising concerns outside of the lab.” Based on the overwhelming lack of any retaliatory conduct by Dr. Sabatini, it defies logic to even suggest, as the Report does, that the Sabatini lab was rife with fear that Dr. Sabatini would retaliate against a trainee who reported him or the lab.

There was No Basis for the Investigators to Conclude that the Sabatini Lab  
“Disproportionately Disadvantaged Female Lab Members”

200. Another of the findings in the report was that Sabatini's preference for “outspoken scientists” and his desire to focus on science created barriers that “disproportionately disadvantaged female lab members.” This “finding,” however, is baseless, deliberately misleading, and sexist on its face. Indeed, when reading past the “headline,” the Report is forced to concede that the investigators “have not found any evidence that Sabatini discriminates against or fails to support females in his lab.”

201. The Report effectively concedes that there is no factual basis for this finding when it states that the “uniform and unanimous” evidence gathered from lab members confirmed that “Sabatini focuses on people's science, not their gender” and that “Sabatini does not

discriminate based on gender in who he supports.” The Report even describes four, non-exclusive, gender neutral factors that “influence” Sabatini’s relationships with lab members: (1) “whether Sabatini is interested in the lab member’s project,” (2) if “the lab member is receptive to and capable of handling Sabatini’s direct feedback,” (3) “the stage of the lab members’ project” (more attention from Sabatini closer to publication), and (4) “if the lab member’s project is succeeding or failing.” This evidence of gender-neutral treatment undermines the conclusion that females in the Sabatini lab are somehow disproportionately disadvantaged by Dr. Sabatini’s conduct.

202. The investigators also ignored obvious evidence available to them that contradicts a finding that women were disadvantaged, including the success of females coming out of Sabatini’s lab. Among the female alumnae from the Sabatini lab who now direct their own labs in academia:

- Naama Kanarek, Assistant Professor of Pathology at Harvard Medical School, Principal Investigator, Pathology Department at Boston Children's Hospital
- Maria Mihaylova, Assistant Professor, Ohio State University
- Maria (Xana) Frias, PhD, Assistant Professor, St. Francis College
- Nada Kaalany, Associate in Medicine, Associate Professor of Pediatrics, Harvard Medical School
- Nora Kory, Assistant Professor of Molecular Metabolism, T.H. Chan School of Public Health
- Anne Carpenter, Senior Director of Imaging Platform, Institute Scientist, Broad Institute of Harvard, and MIT
- Yasemin Sancak, Assistant Professor, Department of Pharmacology, University of Washington

203. Investigators also based their false findings of inequity among men and women in the Sabatini lab on the conclusion that it was difficult for “lab members to balance their important scientific work with the lab” with family obligations.

204. The Report makes it clear that this issue is “not unique to the Sabatini lab” and that both males and females found this a challenge when pursuing the demands of academia in the graduate and post-doctoral period of their careers.

205. In basing the finding that Sabatini’s lab “disproportionately disadvantaged female lab members” on challenges that are nearly universal in academic research, the investigators effectively held Sabatini to a standard imposed on no one else at the Whitehead, and not only blamed him for broader forces at work in the scientific community as a whole, but used these forces as a lynchpin of a finding of a ‘harassing’ and ‘toxic’ culture that Dr. Sabatini created in the lab.

206. One former female lab member directly refutes the suggestion that the operation of the Sabatini lab created a disadvantage for women. This lab member, a single mother during the time she was in the Sabatini lab, confirmed that Dr. Sabatini respected and supported career choices she made to accommodate her family needs, even commending her for the balance she struck.

207. A careful reading of the Report confirms that, with no “facts” to support this finding, the investigators relied on their biased stereotypes. The investigators assumed that females are more introverted than males and that a preference for extroverts must be a bias towards males and a disadvantage to women. Scientific studies actually show that the reverse is true, that women are more extroverted than men. The investigators layered onto this bias the assumption that men must be more dedicated to their careers. The result was a finding based not

on evidence or facts, but on wild speculation and assumptions generated to support a predetermined result.

#### Dr. Sabatini Addressed Visiting Postdoc 1's Behavior

208. Among the more inflammatory “findings” in the Report was that a visiting postdoc (referred to as Visiting Postdoc 1 in the Report) in the Sabatini lab made sexist and racist comments. The Report asserted Dr. Sabatini “failed to properly address” the comments made by Visiting Post Doc 1, while in the same sentence conceding that Dr. Sabatini had “warn[ed]” him to act professionally. Visiting Postdoc 1 was also terminated by the Whitehead as a result of the Report.

209. To the extent that the Report attempted to implicate Dr. Sabatini in Visiting Postdoc 1's misconduct, the investigators did so by citing second-hand evidence that they knew or should have known was unreliable while recklessly disregarding substantial evidence to the contrary.

210. The allegations concerning Visiting Postdoc 1 also originated from the DEI Survey. In the DEI Survey, “[t]he anonymous complainant contended that Sabatini was not only aware of this behavior, but directly blocked lab members from reporting Visiting Postdoc 1 to HR.” The Report did not validate this allegation, finding instead that “there was no evidence that Sabatini directly blocked lab members from reporting Visiting Postdoc 1 to HR.”

211. Nevertheless, the Report laid much of the blame for Visiting Postdoc 1's behavior on Dr. Sabatini, irrespective of whether Dr. Sabatini was aware of the allegedly inappropriate conduct. The investigators relied on broad conjecture based on one conversation in which Dr. Sabatini conveyed to Visiting Postdoc 1 that “less talking is good,” and assumed based on this

comment that Dr. Sabatini must have been aware of the litany of offenses in which Visiting Postdoc 1 was alleged to have engaged.<sup>1</sup>

212. However, the Report itself undermines this conclusion by citing evidence confirming that lab members did not discuss concerns about Visiting Postdoc 1 directly with Dr. Sabatini.

213. For example, the Report describes two incidents between Visiting Postdoc 1 and MIT Graduate Student 14, a female graduate student in the Sabatini lab: one in which he apparently threw objects at her buttocks and another in which he made patronizing comments about her “intellectual[] capab[ility].” Although the Report acknowledged that MIT Graduate Student 14 “did not report either incident to” Dr. Sabatini, it nevertheless laid the blame on Dr. Sabatini for Visiting Postdoc 1’s behavior in this instance.

214. Even though the investigators attempted to lean on MIT Graduate Student 14 by interviewing her three separate times, she still denied that she had ever reported concerns about Visiting Postdoc 1 to Dr. Sabatini and made clear that she had addressed the conduct directly. Ignoring that direct testimony, the investigators decided simply that they did not “credit” her testimony with respect to her interactions with Dr. Sabatini, even though the interviewee had no motive to lie whatsoever.

215. In another instance, Dr. Sabatini was informed by one of the research support staff about a dispute between Visiting Postdoc 1 and a Brazilian post-doc that arose because during the pandemic Visiting Postdoc 1 moved the post-doc’s reagents within a freezer, allegedly

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<sup>1</sup> In fact, this comment was made to communicate to Visiting Postdoc 1 Dr. Sabatini’s own rule for himself to spend less than 30% of the total time talking in a meeting, to avoid taking up too much of the speaking time in any group meeting.

without permission. When Dr. Sabatini raised the issue with the Brazilian postdoctoral fellow, she told him that she was “not ready tell” him. When she confessed to being concerned about retaliation from Visiting Postdoc 1, Dr. Sabatini assured her “that will not happen, trust me” and she acknowledged his response with a heart emoji. The Report links this dispute to an incident in which Visiting Postdoc 1 was alleged to have likened the Brazilian post-doc to his “Brazilian maid”.

216. Strikingly, although the investigators did not hesitate to call back individuals two or three times when they suspected (and hoped) there was something negative to be said about the lab, they did not call back a key eyewitness – the Brazilian post-doc’s bay mate – to the interaction between her and Visiting Postdoc 1. The investigators were so intent on finding fault with Dr. Sabatini and his lab that they ignored that not even the Brazilian post-doc, herself, ever told them that the comment had been made.

217. Notwithstanding, there are no allegations that Dr. Sabatini was ever informed about this comment if it occurred.

218. In the rare instance in which Dr. Sabatini was informed about an inappropriate comment made by Visiting Postdoc 1 to someone in his lab, Dr. Sabatini took appropriate action. For example, where Visiting Postdoc 1 was alleged to have called a female graduate student in the lab “sloppy seconds,” the female graduate student to whom Visiting Postdoc 1 made the comment told investigators that Dr. Sabatini “went ‘above and beyond to make sure [Visiting Postdoc 1] understood there was a problem’ with his comment” and that she “felt comfortable reporting any further issues to” Dr. Sabatini.

219. Crucially, there is no evidence or even the suggestion that Dr. Sabatini was ever informed of or even tacitly aware of some of the most shocking allegations against Visiting

Postdoc 1 concerning how he apparently “considered” black people (which the Report acknowledges is based on totem pole hearsay) and which Visiting Postdoc 1 denies he ever said and which the investigators never asked him about.

220. Despite the lack of evidence supporting Dr. Sabatini’s actual or even implied knowledge of Visiting Postdoc 1’s alleged misconduct, the Report essentially finds that Dr. Sabatini mishandled Visiting Postdoc 1.

221. Separately, the Report also concerns an allegation that Dr. Knouse, who was not a member of Dr. Sabatini’s lab and who was a Fellow and a principal investigator at the Whitehead at the time, made directly against Visiting Postdoc 1, with whom she had a friendship prior to joining the Whitehead. In particular, she alleged that Visiting Postdoc 1 left an inappropriate post-it note in her office, which read “[s]topped by to f\*ck but you were out. Will be back later.”

222. When Dr. Knouse mentioned the note to Dr. Sabatini, she conveyed that she intended to speak directly to Visiting Postdoc 1 about it, texting Dr. Sabatini that she “need[ed] to have serious talk with him.” Dr. Knouse did not ask for Dr. Sabatini’s assistance. Indeed, it would have made little sense for Dr. Knouse to seek Dr. Sabatini’s assistance given that, as a principal investigator, she understood that “[a]ny problematic situations that [she] may face during her time at Whitehead [would] be managed through interactions with the Director of the Institute, the Chief Operating Officer of the Institute, or the Human Resources Department as appropriate,” in accordance with her application materials, which the investigators attached as an exhibit to the Report, but apparently ignored.

223. During the investigation, Dr. Sabatini posited that the post-it note incident may have been an inside joke between Dr. Knouse and Visiting Postdoc 1 because they were friends

before either of them came to the Whitehead. Moreover, Dr. Knouse not infrequently made sexual, gender-based, or “dirty” comments to Visiting Postdoc 1 by text.

224. The report still found fault with Dr. Sabatini for failing to intercede, even though no such action was ever asked of him and he was not the appropriate channel for any such complaint.

225. The investigators apparently never even asked Visiting Postdoc 1 about the incident. Had they done so, they would have been told about a text message conversation between Dr. Knouse and Visiting Postdoc 1, which predated the note by a few days and which refutes that the note was any form of unwelcome sexual harassment. In that text conversation, Dr. Knouse indicated that she was going to cover her glass office door with “just whiteboard paper so people can leave notes and shit like ‘kristin, came to fuck, but you are out.’”

226. As discussed above and as the Report admitted, during the investigation Dr. Knouse was permitted to selectively produce documents to the investigators. Had they insisted that she produce all of her text messages regarding this incident, the investigators would have seen that Dr. Knouse joked with Visiting Postdoc 1 just prior to the incident about leaving this exact type of note. While this does not fully excuse Visiting Postdoc 1’s conduct, it certainly calls Dr. Knouse’s credibility into question. The investigators used Dr. Sabatini’s initial failure to recall this three-year old incident to find that he lacked credibility. However, with full information, it is Dr. Knouse, not Dr. Sabatini, who lacked credibility about this incident because she actively concealed from investigators the full exchange with Visiting Postdoc 1 leading up to it.

227. The investigators concluded that Dr. Sabatini’s alleged failure to address the “post-it” note incident “particularly troubling” because they contend it occurred after Dr.



Sabatini threatened to fire Visiting Postdoc 1 after the “sloppy seconds” comment “if anything like that happened again.” Based on this, the investigators concluded that Dr. Sabatini failed to address a “pattern” of inappropriate conduct by Visiting Postdoc 1. The investigators, however, have the timeline incorrect, as Dr. Sabatini pointed out multiple times when he was questioned. The post-it note incident occurred first so there was no failure by Dr. Sabatini to follow-through on his termination threat. The investigators expressly stated that “Sabatini acted appropriately” in the way he handled Visiting Postdoc 1’s “sloppy seconds” comment. Thereafter, Dr. Sabatini was not informed of any additional incidents that required him to follow-through on his threat to terminate Visiting Postdoc 1.

#### Dr. Sabatini Did Not Interfere In The Investigation

228. The Report falsely found that Dr. Sabatini interfered in the investigation, including by discussing the investigation with lab members, suggesting to lab members what they should say to investigators and threatening lab members – directly and indirectly – not to raise concerns. These findings were overwhelmingly contradicted by the evidence that the investigators chose to deliberately mis-state or completely ignore, such that they necessarily knew, or in the exercise of due care should have known, the conclusion was false.

229. The suggestion that Dr. Sabatini “interfered” in the investigation was raised by Dr. Knouse, who alleged that Visiting Postdoc 2 had reported to Dr. Knouse that Dr. Sabatini had spoken to Visiting Postdoc 2 before he spoke to the investigators and “attempted to shape” his testimony.

230. However, Visiting Postdoc 2 denied that Dr. Sabatini had done this, a fact glossed over in the Report. When re-interviewed, Visiting Postdoc 2 reported that he spoke to Dr. Sabatini *after* his interview about a work-related matter. Visiting Postdoc 2 had given a

presentation that day and, consistent with the practice in the lab, debriefed later that day with Dr. Sabatini about the presentation. Dr. Sabatini asked if he was “doing okay,” but did not discuss anything of substance about the investigation.

231. The finding that Dr. Sabatini “interfered” in the investigation permitted the investigators to draw broad, and unsupported, conclusions adverse to Dr. Sabatini based on the premise that Dr. Sabatini’s alleged “interference” precluded witnesses from disclosing negative information about Dr. Sabatini.

232. The support provided by the investigators for the finding that Dr. Sabatini interfered is often contradictory.

233. The investigators ignored the direction given to Dr. Sabatini by Dr. Lehmann to “encourage your lab members to participate in this investigation.” They also ignored the enormous stress all the lab members were under during this five-month investigation and that Dr. Sabatini, as head of the lab, had to deal with that stress.

234. The Report references written communications and interactions between Dr. Sabatini and his lab members where his discussion about the investigation clearly complied with this directive. Dr. Sabatini told one lab member to “be honest” with investigators, and encouraged another to “participate in the process” when she asked Dr. Sabatini about the investigation.

235. MIT Graduate Student 20’s testimony is illustrative of how far investigators stretched to transform predictable interactions in this environment into “interference.” Dr. Sabatini’s interactions with MIT Graduate Student 20 were cited as part of the basis for the finding that Dr. Sabatini interfered in the investigation. At the time of the investigation MIT Graduate Student 20 was under tremendous pressure – competing for lab time during pandemic

restrictions and drafting his first manuscript. MIT Graduate Student 20 recalled that, with respect to the investigation, Dr. Sabatini reiterated the message that he should tell the truth. Dr. Sabatini reassured MIT Graduate Student 20 that “it is going to be okay, be honest” and checked in with him about how he was doing given the stress he was under. There was no basis to conclude that these interactions interfered with the investigation. Other lab members reported similar interactions.

236. The finding that Dr. Sabatini interfered with the investigation permitted investigators to dismiss why most lab members did not report negative things about Dr. Sabatini and indeed commented favorably on the positive, supporting environment that he had created. The value to the investigators in finding that Dr. Sabatini “interfered” was so great that the investigators would have concluded that Dr. Sabatini “interfered” no matter what he did.

237. Strikingly, no one at the Whitehead spoke to Dr. Sabatini about any specific conduct that they perceived as his “interfering” during the investigation. The investigators cannot reconcile what they contend is a significant impact this “interference” had on the investigation with their own failure to end this conduct.

**Following The Investigation, Current And Former Members Of The Sabatini Lab Expressed Their Strong Support For Dr. Sabatini**

238. After Dr. Sabatini was terminated, Dr. Lehmann and Ms. Wilson, Whitehead’s Director of Human Resources, met with the Sabatini lab members. During that meeting, the lab members were directed not to have any communications with Dr. Sabatini, including with respect to ongoing research and pending manuscripts.

239. This ban on speaking to Dr. Sabatini placed enormous stress on the members of the Sabatini lab. The constant support and feedback that Dr. Sabatini had provided on their research and career plans was abruptly ended.

240. The members of the Sabatini lab pressed back on this direction, and ultimately, Dr. Harvey F. Lodish, a Whitehead faculty member, was assigned to act as an intermediary between current Sabatini lab members and Dr. Sabatini.

241. Sabatini lab members were permitted to reach out to Dr. Sabatini as long as Dr. Lodish was involved in the communications.

242. Numerous Sabatini lab members used this system to seek Dr. Sabatini's help and input with their ongoing research and his advice on their career choices. Even though he had been fired from both the Whitehead and HHMI, Dr. Sabatini spent considerable time supporting his lab members.

243. Many of the Sabatini lab members used the ability to communicate with Dr. Sabatini through Dr. Lodish to express their support to Dr. Sabatini directly, including the following:

- a. On September 5, 2021 a female MIT Graduate Student wrote:

I can't even express how relieved I am to have a channel to talk with David. ... Being able to discuss my data and drafts with David is so helpful and incredibly important...

David, I hope it's not in violation of Whitehead policies to say that I – all of us – miss you and that we are all so much poorer for the loss of your advice and insight.

- b. Another female post-doc, wrote on September 9, 2021:

I wanted to say that I loved my time in the lab and I have grown as a scientist thanks to your input as well as the freedom you give people to grow and learn. This is a shared feeling among all people that are in the lab. ... please remember that you have inspired generations of young scientists and trained us to go beyond our dreams. Nothing will ever change that.

- c. A graduate research assistant and M.D./Ph.D. candidate, wrote on September 10, 2021:

No matter what, the things that you have achieved will always be there, and they will stand the test of time. Not only the science but the many trainees including myself that owe so much to your generosity and guidance. I believe firmly in our lab's achievements and am so proud to have been a part of it, even if only just a small piece.

- d. Another post-doc, wrote on September 14, 2021:

I don't even know how to start this email, to be honest, but the first thing I want to say is THANK YOU...🙏

Thank you for letting me be part of you lab...I feel very honored and proud...

Thank you for believing in me and my ideas...I've never been so considered as a scientist or maybe better, scientist to be...

Thank you for being such a great mentor...

And finally thank you for having supported me even in very basic things

(ellipses in original).

244. Some current members of the Sabatini lab reached out to Dr. Sabatini directly after he was terminated to express their support and appreciation. In doing so, some expressed that they were afraid of what the Whitehead would do to them if they found out that they had reached out to Dr. Sabatini. The comments made by these current lab members included:

a. A female lab member describing the lab as a “magical” environment for young scientists and thanking Dr. Sabatini for “inspiring her.”

b. Another lab member told Dr. Sabatini that he was the “best mentor” the lab member had ever had.

c. Yet another lab member said that he had “reached a potential I had previously not thought possible for myself” due to Dr. Sabatini’s mentorship.

245. Numerous former lab members and others with whom Dr. Sabatini has a professional relationship also wrote and called to express their support for Dr. Sabatini after he left.

246. In one particularly relevant letter, a former female postdoc in the Sabatini lab said that Dr. Sabatini was an “inspiring mentor.” This former post-doc is well-established in her own lab at a prestigious research hospital. She has ten years of professional success following her time in the Sabatini lab, and no reason to support Dr. Sabatini other than her respect for him.

247. This post-doc detailed her experience with Dr. Sabatini as follows:

David supported me throughout my post-doc journey, both at the scientific and personal levels. I used to meet with him individually every two weeks to discuss my project/lab work. He supported my applications for fellowships. He offered me to travel in his place to present my work at a conference in Lake Tahoe when he had a schedule conflict. He gave me the guidance in his lab to grow and become an independent scientist.

Although I was a female post-doc, never once did he or anyone in his lab treat me any differently than my male colleagues. I always felt respected, listened to, comfortable, and supported.

At the personal level, I received strong and much appreciated support from David. I married my current spouse one month after joining David’s lab (August 2005), and was pregnant/gave birth twice while a post-doc in his lab (Dec 2007 and May 2010). Throughout these personal events, David provided all the support and paid time-off needed to recover and enjoy family time. When I became seriously ill and was hospitalized towards the end of my second pregnancy, David regularly checked on me and made sure I was OK, offering to extend my leave till I was comfortable to get back to lab.

The letter concluded by stating that “My personal experience as a mentee of Dr. David Sabatini was a professional and positive one that I will always cherish and be grateful for.”

248. These statements by lab members belie the Report’s false conclusion that the culture of the Sabatini lab was toxic.

**The Defendants' Conduct Before, During, And After The Investigation Caused Dr. Sabatini Significant Damage**

**In Communicating Dr. Sabatini's Termination, Dr. Lehmann And The Whitehead Made Defamatory Statements About Him**

249. The Whitehead received the final Report from the investigators on August 13, 2021. They did not provide a copy to Dr. Sabatini until August 19, 2021. When it was confirmed that the Whitehead would not even meet with him to discuss the report and that he would be terminated on August 20, 2021, Dr. Sabatini was forced to resign his employment.

250. The Whitehead provided a copy of the Report, knowing it was false, to HHMI and MIT. On the basis of the Report, HHMI terminated Dr. Sabatini and MIT placed him on leave and sent several emails that painted him in a very negative light.

251. On August 20, 2021, Dr. Lehmann sent an email to the Whitehead community stating that Dr. Sabatini was no longer associated with the Whitehead or HHMI. The email reported that an "independent investigation" "found that Dr. Sabatini violated the Institute's policies on sexual harassment among other Whitehead policies unrelated to research misconduct."

252. The statement that an "independent investigation" had been conducted was not true.

253. The statement that Dr. Sabatini "violated the Institute's policies on sexual harassment among other Whitehead policies" was false.

254. Dr. Lehmann and the Whitehead issued this statement knowing it was false and was based on findings by the investigators that had no basis in fact and that relied on false statements by Dr. Knouse.

255. The overall impact of these false statements was to imply that a truly independent review had been conducted of Dr. Sabatini's conduct and that Dr. Sabatini had violated sexual

harassment and other policies at the Whitehead. The statements were not true, the implication that the statements intended to make was not true, and the effect was to harm Dr. Sabatini's reputation and cause him economic and other harm.

256. Immediately after the Whitehead and HHMI circulated these emails, they were forwarded throughout the scientific community, including to Dr. Sabatini's peers and colleagues at other institutions worldwide.

257. Local media and publications directed to the scientific community immediately reported this news, including under headings like "Cell Biologist David Sabatini Fired for Sexual Harassment."

258. The Whitehead provided the Investigation Report to MIT. On the basis of this Report and the Whitehead's action in ending its association with Dr. Sabatini, MIT placed Dr. Sabatini on administrative leave.

259. Based on the Whitehead's announcement of its findings and the statements by HHMI ending Dr. Sabatini's appointment, the American Cancer Society decided that Dr. Sabatini could no longer use the ACS Research Professor title and permanently banned him from ACS activities and events.

260. On October 6, 2021, the Whitehead emailed a former member of Dr. Sabatini's lab, instructing her to list herself, and not Dr. Sabatini as a corresponding author on a forthcoming journal article as Dr. Sabatini "is no longer affiliated with Whitehead." In this email, the Whitehead stated that Dr. Sabatini was "no longer affiliated with" MIT. This statement was false.

261. This statement conveyed to this professional contact that Dr. Sabatini had also lost his position at MIT. The false statement that Dr. Sabatini had lost affiliation with his last



professional appointment, and indeed had lost his tenured faculty position, damaged Dr. Sabatini's reputation, and caused him economic and other harm.

262. Dr. Sabatini declined numerous speaking and other professional engagements, or was persuaded not to attend them, because of the stigma associated with the Whitehead's statement that he had violated its sexual harassment policies. This resulted directly in the loss of award money and professional recognition.

Dr. Knouse Made False And Defamatory Statements About Dr. Sabatini During the Investigation and To Professional Colleagues With The Goal Of Causing Dr. Sabatini Harm

263. During the investigation, Dr. Knouse reported that her first sexual encounter with Dr. Sabatini was "not consensual" and coerced. This is not true. Dr. Knouse knew that this was not true when she made this statement to the investigators. Dr. Knouse made this statement knowing that it would cause harm to Dr. Sabatini and for the purpose of causing that harm. Dr. Sabatini was harmed by Dr. Knouse making this statement to investigators.

264. At or around the time that the investigation began, Dr. Knouse referred to Dr. Sabatini as "Harvey Weinstein" while at the Whitehead and in the presence of Dr. Sabatini's former professional colleagues.

265. Dr. Knouse called Dr. Sabatini "Harvey Weinstein" at a time when many lab members had received conflicting information about the accusations against Dr. Sabatini, and at a time when Dr. Sabatini was not capable of responding or defending himself.

266. By likening Dr. Sabatini to Harvey Weinstein, Dr. Knouse was conveying that Dr. Sabatini had engaged in the same type of criminal behavior as Harvey Weinstein, i.e., sexual assault and rape. Dr. Sabatini was never accused of this type of conduct and has not engaged in any criminal activity. Dr. Knouse's statements implying otherwise are false and per se defamatory.

267. Dr. Knouse attended a stem cell conference in Greece in late September and early October 2021. At a dinner early in the conference, Dr. Knouse sat with other professionals who knew Dr. Sabatini and with whom he had professional relationships. At this dinner, Dr. Knouse described herself as one of Dr. Sabatini's "victims" and stated that she had heard Dr. Sabatini had had other inappropriate relationships with MIT students.

268. The information Dr. Knouse shared at this dinner was false. Dr. Knouse was not Dr. Sabatini's "victim," Dr. Sabatini has not "victimized" anyone and has not had any inappropriate personal relationships with students.

269. Dr. Knouse made these statements knowing that they were false and knowing that making these allegations would damage Dr. Sabatini's reputation and cause him economic and other harm.

270. Dr. Knouse felt comfortable openly defaming Dr. Sabatini after her false report forced him to leave the Whitehead and caused him to be fired by HHMI and placed on leave by MIT. Though it was Dr. Knouse who was defaming Dr. Sabatini to professional colleagues at this time, she had her attorney send an email accusing Dr. Sabatini of defaming her. The email from Dr. Knouse's attorney was intended to threaten Dr. Sabatini and implicitly threatened to make more false allegations against him if he tried to defend himself from Dr. Knouse's defamatory comments.

#### Interference With Dr. Sabatini's Relationships With Scientific Journals

271. During his career, Dr. Sabatini developed strong and valuable relationships with leading scientific journals, including but not limited to Science and Nature. These relationships developed because Dr. Sabatini's work frequently resulted in findings worthy of publication, and his publications were respected and valued in the scientific community. For scientific

researchers like Dr. Sabatini and members of his lab, the quality and frequency of their publications, including where they are published, plays a significant role in the individual's career opportunities, reputation, and funding.

272. When Dr. Sabatini was terminated, his lab had two articles under review and revision for publication in Science and three articles under review and revision for Nature. This is an extraordinary number of publications for any one lab to have under consideration and evidences the quality and importance of the work being done in the Sabatini lab.

273. The excellence of Dr. Sabatini's research allowed him and members of his lab to publish the results of their scientific work in these publications on a regular basis.

274. Multiple scientists often contribute to an individual publication. There is a hierarchy of authorship and credit on journal articles that have multiple authors. Attribution as a senior and/or corresponding author on a published article indicates the individual as the person to whom questions about the research findings should be directed, thereby showing their intellectual contribution to the conception and execution of the project.

275. After Dr. Sabatini was terminated, Dr. Lehmann and the Whitehead spoke directly with journals at which Dr. Sabatini had pending articles. Without consulting Dr. Sabatini, the Whitehead and Dr. Lehmann took the position that he was "not in a position to execute the responsibilities as a corresponding author" because Dr. Sabatini was no longer at the Whitehead. The Whitehead and Dr. Lehmann also expressed their conviction that Dr. Sabatini "should not have any direct contact with lab members." This statement clearly implied that the conduct for which he had been terminated posed a threat to current lab members.

276. The Whitehead and Dr. Lehmann also took the position that the publications should proactively convey in the articles that Dr. Sabatini was “no longer associated with Whitehead or HHMI Institute and is on leave from MIT.”

277. There was no reason for the Whitehead and Dr. Lehmann to take or support a position that removed Dr. Sabatini from his role as corresponding author. Scientists frequently leave a position with publications in the pipeline. A change in position is not a reason to deny the prestigious role of corresponding author to an individual.

278. The Whitehead and Dr. Lehmann had no legitimate reason to communicate with a publication as to how Dr. Sabatini should be described. Describing Dr. Sabatini as “no longer associated with Whitehead or HHMI Institute and is on leave from MIT,” brings with it the clear indication in the scientific community that Dr. Sabatini had engaged in misconduct, as well as conveying the false and defamatory implication that Dr. Sabatini would, if given the opportunity, misrepresent himself as still affiliate with the Whitehead.

279. A co-author on one of Dr. Sabatini’s pending publications objected to the proposal from the Whitehead to remove Dr. Sabatini as corresponding author or require a clarification of his role, calling it “mean spirited.” In particular, the basis for inserting the language that Dr. Sabatini “is no longer affiliated with Whitehead” made no sense to this co-author, as the co-author was also at the time no longer affiliated with the Whitehead, and no such clarification was required for her.

280. While the Whitehead told Dr. Sabatini that it intended to have publications state that he was “no longer associated with Whitehead or HHMI Institute and is on leave from MIT,” the Whitehead was telling other co-authors that an even more comprehensive and derogatory disclaimer should be used – that in addition to no longer being affiliated with the Whitehead or

the Howard Hughes Medical Institute, that Dr. Sabatini was “no longer an ACS Research Professor” and was on leave not only from MIT, but also from “Koch Institute and the Broad Institute.” Neither the Whitehead nor HHMI was responsible for clarifying Dr. Sabatini’s affiliations with other institutions. Their direction to other co-authors that they must disclose this in publications was designed to embarrass and humiliate Dr. Sabatini and cause further harm to his relationships with these journals and his professional colleagues.

281. These actions by the Whitehead and Dr. Lehmann harmed Dr. Sabatini’s relationships at these journals and his reputation.

282. By insisting to journals and co-authors that Dr. Sabatini be removed as corresponding author and that his credentials be represented in either a way that was either false or that was designed to create the false impression that he had engaged in significant misconduct, Dr. Lehmann and the Whitehead intended to and did damage Dr. Sabatini’s ability to publish in the future. This has and will continue to harm Dr. Sabatini. Scientists who are frequently published in prominent scientific journals are often paid to speak at events, to give paid lectures, and are more likely to receive grants and awards that come with stipends or research funds.

#### Interference With Professional Colleagues

283. The Whitehead met with members of Dr. Sabatini’s lab on August 23, 2021, the Monday after he was pushed to resign. During this meeting, Dr. Lehmann reiterated the findings of the Report, knowing that they were false. Dr. Lehmann also told members of the lab that there was a toxic culture in the lab and that the lab members were bullies, a fact that she knew was not true but that Dr. Lehmann reiterated to instill fear in the lab members and cause them to doubt Dr. Sabatini.

284. The members of Dr. Sabatini's lab were initially told that they could not have any contact with Dr. Sabatini. Dr. Sabatini was also given the instruction not to contact members of his lab.

285. Neither the Whitehead nor Dr. Lehmann had the authority to direct either Dr. Sabatini or the lab members that they should not contact each other. When this statement was made, the investigation was complete and Dr. Sabatini was no longer controlled by the Whitehead. The Whitehead had no ability to control who Dr. Sabatini spoke with. While the lab members remained employed by the Whitehead, the Whitehead has no authority to deny lab members who want to speak with Dr. Sabatini the opportunity to do so. Many lab members wanted to support Dr. Sabatini, disputed the Report's conclusions based on their personal experiences in the Sabatini lab, and wanted to continue their professional relationship with Dr. Sabatini. A lab member was told that questioning the investigation was tantamount to harassing the Whitehead administration.

286. This unlawful instruction was purposefully designed to interfere in the professional relationship between the members of the lab and Dr. Sabatini. These were valuable relationships for Dr. Sabatini, both in terms of his professional network and in terms of emotional support.

287. At a Whitehead retreat in September 2021, after Dr. Sabatini had been fired, Dr. Lehmann reiterated untrue comments about the "toxic" culture at the Sabatini lab. Her comments were made to a gathering of Dr. Sabatini's former professional colleagues. Dr. Lehmann knew that Dr. Sabatini has long-standing professional relationships with the colleagues she was speaking to, and she knew the value of those relationships to Dr. Sabatini. Dr. Lehman knew her comments were not true when she made them and that they were likely to negatively

impact Dr. Sabatini's relationship with his colleagues. Indeed, she made the comments for the purpose of damaging those relationships.

Damage To Dr. Sabatini

288. The damage caused by Defendants to Dr. Sabatini is enormous.

289. Dr. Sabatini lost his employment with both the Whitehead and HHMI because of the conduct described herein.

290. Dr. Sabatini's reputation was seriously damaged, and he has lost goodwill throughout the scientific community.

291. Dr. Sabatini lost awards that carry significant financial benefits. After the announcement of his termination was made, Dr. Sabatini lost an award that would have provided him with over \$200,000. His ability to obtain grants to pursue research has been seriously compromised and perhaps destroyed.

292. Dr. Sabatini lost his lab, and currently has no place where he can pursue the scientific research which is his life's work. He has been stripped of his position as an American Cancer Society Research Professor, and he may lose his status as a corresponding author for several forthcoming publications.

293. The damage to Dr. Sabatini's reputation has caused him to lose publishing opportunities, professional relationships, affiliations with other institutions, consulting income, research funding from government and private entities, and other income, such as equity from biotech companies that engaged him for his expertise and reputation.

294. Dr. Sabatini's mental health has been seriously impacted by the Defendants' conduct. Unfairly accused of egregious behavior that he did not commit, Dr. Sabatini's mental

health deteriorated to the extent that he was advised not to live alone and to have friends and family monitor him in a form of “suicide watch.”

295. Dr. Sabatini lost millions of dollars of funding from HHMI grants that were awarded to the Whitehead on the basis of Dr. Sabatini’s work and innovation. Dr. Sabatini has no ability to perform the work proposed in those grants at present, and has effectively lost that funding.

296. In the wake of the investigation, Dr. Sabatini has lost most of his livelihood, his professional reputation had been destroyed, and he has suffered devastating emotional damage and economic loss. His only option, at this point, is to bring claims against those who have made the untruthful and defamatory allegations against him which have destroyed his life.

## **COUNT I**

### **Defamation**

#### **(v. Dr. Knouse)**

297. Dr. Sabatini incorporates and realleges the above allegations of this Complaint as if fully stated herein.

298. As to all matters relating to the Whitehead Institute and its operations, Dr. Sabatini was a private figure. Although his scientific research has become well known as the foundation of virtually all work on the mTOR pathway, he has never voluntarily interjected himself into matters of public controversy to become a public figure for purposes of defamation law.

299. Dr. Knouse made false and defamatory statements about Dr. Sabatini that include but are not limited to the following:

a. Dr. Knouse made false, defamatory statements about Dr. Sabatini to Dr. Lehmann and the attorneys conducting the supposed investigation. These statements included,



without limitation, purportedly factual accounts of words spoken and actions taken by Dr. Sabatini toward Dr. Knouse that were categorically false and which conveyed that Dr. Sabatini acted toward her in an abusive, harassing manner, and which conveyed that Dr. Sabatini had misused his position.

b. Dr. Knouse also made false statements of fact to Dr. Lehman and the investigators about Dr. Sabatini and his management of his lab. These statements included, without limitation, statements to the effect that Dr. Sabatini had engaged in other inappropriate behaviors in the Whitehead, all which were patently false.

300. Dr. Knouse made these statements negligently or, if Dr. Sabatini is deemed a public figure (as he should not be), made these statements with knowledge of their falsity or with reckless disregard for whether they were true or false. Because Dr. Sabatini cannot yet access the records of the investigators, the extent of Dr. Knouse's defamatory statements to them are not yet known, but the many statements reflected in the Report itself are themselves false and defamatory.

301. Dr. Knouse also made false statements to other members of the Whitehead or to other individuals in the same field in which she and Dr. Sabatini operate. These statements were made both before and after Dr. Sabatini's termination from the Whitehead. These include, without limitation, statements which conveyed that Dr. Sabatini had engaged in coerced sex with Dr. Knouse, that he was a "Harvey Weinstein," that he had abused her, or had engaged in retaliation against her for her role in the investigation.

302. As to each of the defamatory statements above, Dr. Knouse made them negligently (i.e., without exercising reasonable care as to whether the statements were true or false) or, in the alternative, Dr. Knouse knew that her statements were false or made them with

reckless disregard for whether they were true or false. In each instance, Dr. Knouse knew (or a reasonably prudent person in her position would have known) that these statements would discredit Dr. Sabatini in the minds of a considerable and respectable segment of the community. Her statements to the investigators and Dr. Lehmann resulted in the Whitehead issuing a statement that Dr. Sabatini had violated Whitehead's sexual harassment policies. This statement was circulated worldwide, destroying Dr. Sabatini's career.

303. Dr. Knouse's defamation caused Dr. Sabatini substantial harm. In addition to costing Dr. Sabatini his position at the Whitehead, Dr. Knouse's defamation proximately caused Dr. Sabatini to lose his position as an Investigator at HHMI and the substantial compensation flowing from that position. Dr. Sabatini has also lost positions at multiple biotechnology firms that he helped start and the income, stock options, and other financial benefits flowing from those positions. MIT has placed him on leave, and he has been obliged to pay substantial legal fees in an effort to keep his tenured professorship. It is expected that Dr. Sabatini will suffer additional and continuing harm as a result of Dr. Knouse's ongoing defamation.

304. Most seriously, Dr. Sabatini's reputation in the scientific community, which was stellar, has been destroyed. He has been unable to pursue his continuing research into areas that could profoundly impact such diverse areas as the interrelationship between cellular growth pathways and diseases related to diabetes, aging, and other conditions.

## **COUNT II**

### **Defamation**

#### **(v. Whitehead and Dr. Lehmann)**

305. Dr. Sabatini incorporates and realleges the above allegations of this Complaint as if fully stated herein.

306. At all relevant times, Dr. Lehmann was acting within the scope of her duties and in her capacity as Director of the Whitehead.

307. The Whitehead and Dr. Lehmann published statements concerning the nature and outcome of the investigation, which conveyed or were based upon false facts and which damaged Dr. Sabatini's reputation. Among other things, they publicly stated that Dr. Sabatini was a harasser and that a truly independent review had been conducted of Plaintiff's conduct and that Plaintiff had committed serious policy violations. The defendants failed to use due care in making these statements or, if Dr. Sabatini is deemed a public figure (as he is not), were knowingly false when made or were made with reckless disregard for their truth or falsity.

308. Whitehead and Dr. Lehmann also made false statements to prestigious publications and Plaintiff's co-authors that falsely asserted that Plaintiff was no longer affiliated with MIT, and otherwise making factual and false assertions about the "policies" underlying authorship protocols. These statements caused further damage to Dr. Sabatini's reputation. These statements were made without due care or, in the alternative, were knowingly false when made or were made with reckless disregard for their truth or falsity.

309. In so doing, Defendants have destroyed the good name and reputation of Plaintiff, who was in the prime of his career. The consequences have been devastating for Plaintiff. His professional career, personal life, as well as his emotional, mental, and physical health have been

severely damaged. Dr. Sabatini has been stripped of his position as an American Cancer Society Researcher, he's lost funding from relevant grants, he's lost considerable goodwill throughout the scientific community, and he may lose his position as corresponding author on several forthcoming publications.

### **COUNT III**

#### **Tortious Interference with Employment Relationship**

##### **(v. Dr. Knouse)**

310. Dr. Sabatini incorporates and realleges the above allegations of this Complaint as if fully stated herein.

311. Dr. Sabatini had an employment relationship with the Whitehead and HHMI, where he was a highly compensated researcher, and with MIT, where he is a tenured faculty member. Dr. Knouse was aware of these relationships.

312. Dr. Knouse's conduct, as described above, interfered with Dr. Sabatini's employment relationship with the Whitehead, HHMI and MIT.

313. Dr. Knouse had knowledge of Dr. Sabatini's employment relationships with the Whitehead and HHMI.

314. Dr. Knouse not only acted with improper motive and improper means, but acted with malice in knowingly and intentionally interfering with Dr. Sabatini's employment relationships with the Whitehead, with HHMI and with MIT.

315. Even after Dr. Sabatini was fired from the Whitehead, Dr. Knouse has continued her campaign of harassment against Dr. Sabatini. In asserting to Dr. Sabatini's colleagues at MIT that she was "abused" by Dr. Sabatini and that Dr. Sabatini engaged in inappropriate

relationships with MIT students, Dr. Sabatini has also continued to interfere with Dr. Sabatini's employment with MIT.

316. Dr. Sabatini has been damaged by Dr. Knouse's interference by the loss of his employment, and Dr. Knouse is liable for the damages she caused and continues to cause.

#### **COUNT IV**

##### **Tortious Interference with Advantageous Relationship**

##### **(v. Whitehead and Ruth Lehmann)**

317. Dr. Sabatini incorporates and realleges the above allegations of this Complaint as if fully stated herein.

318. Dr. Sabatini had advantageous relationships with prestigious scientific journals, grant-providing organizations, like HHMI, the NIH, the American Cancer Society, biotechnology companies, co-authors and the post-docs and graduate students who worked in the Sabatini lab. Whitehead and Dr. Lehmann were aware of these relationships and their value to Dr. Sabatini.

319. As described above, Whitehead and Dr. Lehmann interfered with Dr. Sabatini's relationships. This interference included, but was not limited to, issuing false statements concerning the "independent" nature of the investigation, and false allegations that Dr. Sabatini was a harasser. Whitehead and Dr. Lehmann also made false statements to journals and co-authors about Dr. Sabatini's status as a faculty member at MIT and the nature of the "policies" which underlie how co-authorship is recognized.

320. With improper purpose and means, Whitehead and Dr. Lehmann acted with malice and knowingly and intentionally interfered with Dr. Sabatini's relationships with prestigious scientific journals, grant-providing organizations, like HHMI, the NIH, the American

Cancer Society, biotechnology companies, co-authors and the post-docs and graduate students who worked in the Sabatini lab.

321. Dr. Sabatini has been damaged by Whitehead, HHMI, and Ruth Lehmann interference by, inter alia, lost income, lost grants, loss of goodwill, reputation, and engagements.

322. Whitehead, HHMI, and Ruth Lehmann are liable for the damages they have caused and continue to cause.

## **COUNT V**

### **Intentional Infliction of Emotional Distress**

#### **(v. Kristin Knouse)**

323. Dr. Sabatini incorporates and realleges the above allegations of this Complaint as if fully stated herein.

324. As described above, Dr. Knouse committed multiple intentional actions following Dr. Sabatini's termination, including but not limited to making defamatory statements likening Dr. Sabatini to Harvey Weinstein and falsifying reports about their relationship and the allegations central to the investigation in order to cause harm to Dr. Sabatini's positions at the Whitehead, HHMI, MIT and his standing in the scientific community. These actions were extreme, outrageous and beyond the scope of common decency and were intended to cause Dr. Sabatini severe emotional distress.

325. In committing these acts, Dr. Knouse was acting outside the scope of her employment.

326. Dr. Knouse intended to inflict emotional distress on Dr. Sabatini by these actions, or should have known that the likely result of her conduct would be to cause emotional distress to Dr. Sabatini.

327. As a result of Dr. Knouse's conduct, Dr. Sabatini suffered severe emotional distress which no reasonable person or persons should be expected to tolerate.

328. As a direct and/or proximate result of, among other things, the above-referenced wrongful acts and/or omissions, Dr. Sabatini has suffered and will continue to suffer damages, including, without limitation, damages to physical well-being, emotional and psychological distress, loss of career opportunities, past and future economic injuries, reputational damages, and other direct, compensatory, and/or consequential damages.

## **COUNT VI**

### **Negligent Infliction of Emotional Distress**

#### **(v. Kristin Knouse)**

329. Dr. Sabatini incorporates and realleges the above allegations of this Complaint as if fully stated herein.

330. Dr. Knouse's conduct, including after she left the Whitehead, as described above, caused Dr. Sabatini mental anguish and emotional distress. Under the circumstances described above, a reasonable person would have suffered emotional distress. Dr. Sabatini's mental anguish and emotional distress were severe enough that they caused physical harm manifested by objective symptomatology.

331. In committing these acts, Dr. Knouse was acting outside the scope of her employment.

332. As a direct and/or proximate result of, among other things, the above-referenced wrongful acts and/or omissions, Dr. Sabatini has suffered and will continue to suffer damages, including, without limitation, damages to physical well-being, emotional and psychological distress, loss of career opportunities, past and future economic injuries, reputational damages, and other direct, compensatory, and/or consequential damages.

**PRAYER FOR RELIEF**

WHEREFORE, Dr. Sabatini respectfully requests that this Honorable Court:

- a. enter judgment in his favor on all counts;
- b. award him damages, statutory damages, attorneys' fees, and costs, plus interest at the rate of 12% per annum from the date of this filing; and,
- c. grant such other and further relief as this Court deems just and appropriate.

DR. SABATINI DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE

October 20, 2021

Respectfully submitted,

DAVID SABATINI

By his Attorneys

/s/ Lisa G. Arrowood

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