

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



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DANA NESSEL
ATTORNEY GENERAL

February 24, 2021

Chairperson Dianne Byrum
Michigan State Board of Trustees
Office of Board of Trustees
Hannah Administration Building
426 Auditorium Road, Room 450
East Lansing, MI 48824-1046

*Sent via email care of Brian
Quinn at quinnbri@msu.edu*

Re: Investigation into Michigan State University

Dear Chairperson Byrum,

After a turbulent 2020 that resulted in each of us devoting extraordinary time and attention to navigating an unprecedented public health crisis, I wanted to begin 2021 with a renewed sense of focus on certain important matters still pending with my Department. At the top of that list is my Department's investigation of Michigan State University related to the Larry Nassar scandal.

As you know, I have repeatedly asked this Board to waive its assertion of privilege over the approximately 6,000 documents remaining to be reviewed by my investigatory team. Since my last request, I understand that some Trustees may have undertaken their own review so that they might better evaluate the merits of the University's decision to withhold information from my office. Though I appreciate that effort, I believe the relevance and materiality of these documents can *only* be assessed by my investigatory team which has the benefit of having reviewed thousands of other documents and hundreds of witness interviews relevant to this matter. Like a puzzle, it would be very difficult for a trustee to know where an individual piece fits without being privy to what the larger picture looks like.

Accordingly, with new Trustees having recently joined this Board, I am writing to renew my request that you waive privilege and release the remaining documents to my Department so that we may complete our work. We cannot complete this

Michigan State University – Board of Trustees

Page 2

February 24, 2021

investigation without having reviewed all relevant information and there is no legal avenue remaining to secure these documents absent this Board's consent.

In this new year, I ask that this Board focus on what is truly important – providing answers to the survivors of Larry Nassar's terrible crimes and to the people of Michigan who have seen its largest public university mired in scandal. When this Department set out more than three years ago on this investigation, the Trustees stated, "only a review by your office can resolve the questions in a way that the victims, their families, and the public will deem satisfactory and that will help all those affected by Nassar's horrible crimes to heal." Yet, if the Board does not consent, my office will be forced to close its investigation without conclusion, and you will have shut the door on the pursuit of justice. I cannot think of a worse conclusion to the investigation—which this Board asked for—than that.

I kindly ask for your response in writing by March 26, 2021. Thank you for your consideration.

Respectfully,

A handwritten signature in blue ink that reads "Dana Nessel". The signature is written in a cursive, flowing style.

Dana Nessel

cc: Mr. Brian Quinn, General Counsel