

**STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

NOËLLE MCAFEE,
EMILO E. DEL VALLE-ESCALANTE, and
CAROLINE FOHLIN,

Plaintiffs,

v.

EMORY UNIVERSITY,

Defendant.

CIVIL ACTION FILE NO.

26A03017

JURY TRIAL DEMANDED

COMPLAINT

1. In 2024, while observing a protest on campus, Emory University Professors Noëlle McAfee, Emil’ Keme, and Caroline Fohlin witnessed police officers violently assaulting their students. They bore witness and spoke up. The officers responded by arresting *them*. Emory then charged them with crimes, despite knowing that the charges lacked merit. All charges were eventually dismissed.

2. Professors McAfee, Keme, and Fohlin now file this suit to seek accountability from Emory University. As they will show at trial, Emory caused them harm when—as it has done time and time again—it elected to violate its own policies, procedures, and obligations toward faculty and all members of the Emory Community in suppressing speech. It then continued their prosecutions—even when video showed that the offenses charged simply did not happen.

Jury Demand

3. Plaintiffs demand a trial by jury on all issues and claims pursuant to the Seventh Amendment to the U.S. Constitution and Georgia law.

Jurisdiction and Venue

4. Venue is proper in the State Court of DeKalb County as Defendant is a resident of DeKalb County by its principal place of business.

The Parties

5. Noëlle McAfee is a resident of Georgia.

6. Emilo E. Del Valle-Escalante, also known and herein referred to as Emil' Keme, is a resident of Georgia.

7. Caroline Fohlin is a resident of Georgia.

8. Emory University is an institution of higher education in Georgia and a domestic nonprofit corporation.

Factual Allegations

9. Professor McAfee is Professor of Philosophy at Emory University. She serves as immediate Past-President of the University Senate and immediate Past-Chair of the Faculty Council. A tenured member of the Emory faculty since 2010, Professor McAfee has a secondary appointment as Professor in the School of Medicine's department of psychiatry and behavioral sciences.

10. Professor Keme is Professor of English and Indigenous Studies at Emory. He has been a tenured member of the Emory faculty since 2023.

11. Professor Fohlin is Professor of Economics at Emory. She has been a

tenured member of the Emory faculty since 2016.

12. As academics with tenure, Professors McAfee, Keme, and Fohlin work pursuant to a set of formal and informal protections. Public and private universities may provide tenure protections in different ways. *See Wilson v. Clark Atlanta Univ., Inc.*, 339 Ga. App. 814, 827 (2016) (“there is no uniform tenure system”). But they all fundamentally seek to safeguard academic freedom, which at heart means *the ability to pursue, speak, and share the truth* without interference.

13. Professor McAfee, Keme, and Fohlin’s relationship with Emory is particularly grounded in Emory’s *Faculty Handbook*, Emory’s *Statement of Principles Governing Faculty Relationships* (“The Gray Book”), Emory’s *Respect for Open Expression Policy*, and the standards of care customarily wielded throughout American higher education.

14. Emory’s *Faculty Handbook* says its “policies, practices, procedures, guidelines, and standards referred to in all parts of this Faculty Handbook form a basic part of the essential employment understandings between members of the faculty and the university.”

15. The Gray Book expressly protects each faculty member’s “security adequate for freedom to teach and to seek truth,” including “assurance of explicit contract” and “the right to participate in activities related to citizenship in a democratic society.” It adds that “an individual faculty member is assured of reasonable protection against arbitrary pressures and procedures.”

16. Emory’s *Respect for Open Expression Policy* has recently changed, in

part due to the events described below. But the version in effect at the time of the events of this complaint “reaffirm[ed] Emory’s unwavering commitment to a community that inspires and supports courageous inquiry through open expression, dissent, and protest”; “affirm[ed] the rights of members of the Community to assemble and demonstrate peaceably within the limits of this Policy”; and “affirm[ed] the right of others to pursue their normal activities and to be protected from injury or property damage, as defined by law.”

17. Emory’s *Respect for Open Expression Policy* gave its student affairs administrators—and not the Emory Police Department, much less outside law enforcement—jurisdiction over enforcement, in all cases except “emergencies.” The *Policy* defined “emergencies” as “situations that include any of the following: imminent serious bodily harm; serious threat; imminent life threatening behavior; reckless disregard for human life; or threat to life, limb, or property.” The *Respect for Open Expression Policy* did not provide standards for when to bring in outside law enforcement agencies.

18. The *Respect for Open Expression Policy* noted that “[t]ermination of an event or any arrests must be the option of last resort.”

19. The *Respect for Open Expression Policy* also provided that the “Chair of the Committee for Open Expression, or their designee, must be consulted and must have advised the University of all alternatives to support continuation of the expression, protest, or dissent before there is any termination or arrest.”

20. Emory’s *Respect for Open Expression Policy* also stated that its terms

were “paramount to other policies of the University that may conflict, except those grounded expressly in local, state, or national law.”

21. The University Senate is Emory’s formal structure of shared governance. Professor McAfee is immediate Past-President of the University Senate. As a leader in that body she feels a special obligation toward ensuring that Emory students, who are colleagues in the collective enterprise that is the University, can safely exercise their own rights to free expression.

22. Given all of the above, Professors McAfee, Keme, and Fohlin allege that they and their tenured colleagues on the faculty have a right to teach their students without interference and, concomitantly, that their students have a right to learn without interference. Knowledge cannot be produced and shared in the shadow of official whim, whether of a private institution or of public law enforcement.

23. Emory has not always lived up to these promises, policies, and industry standards.

24. In April 2023, for example, during a student-led protest against Atlanta’s “cop city,” Emory officials elected to terminate the students’ free expression by inviting the Atlanta Police Department onto campus to threaten with force and then disperse the peaceful gathering.

25. Dozens of faculty members, including Professor McAfee, later joined an open letter criticizing this decision. By bringing “an outsized force of armed officers to campus” to suppress speech, they wrote, the University was teaching its students “that Atlanta police are available to enforce obedience on campus and that conflicts

can be successfully resolved with a show of brute force.”

26. Unfortunately, just months after this open letter, Emory officials breached their policies again, and in more egregious ways.

27. On April 25, 2024, Emory students were on the campus quad expressing their views on a matter of public concern.

28. Professor McAfee came down to the quad because she was worried that Emory would call in the police as a first choice, rather than a last resort.

29. Professor Keme arrived on campus early to prepare his classes and then greeted students and colleagues he recognized in the quad. The scene was peaceful but he stayed to monitor their safety, because he knew that law enforcement officers had gotten violent at past protests on campus.

30. Professor Fohlin heard from her husband that a phalanx of police vehicles was rushing toward campus. As the mother of a child then enrolled at Columbia University, who had seen violent arrests at that campus, Professor Fohlin grew worried for her students’ safety. She went to the quad to observe.

31. Emory officials had decided to call in outside law enforcement to suppress their students’ free expression. They had summoned the APD and the Georgia State Patrol to forcibly disperse the peaceful gathering.

32. This decision was in direct violation of Emory’s obligations under its policies and procedures.

33. While the *Respect for Open Expression Policy* “reaffirm[ed] Emory’s unwavering commitment to a community that inspires and supports courageous

inquiry through open expression, dissent, and protest”; “affirm[ed] the rights of members of the Community to assemble and demonstrate peaceably within the limits of this Policy”; and “affirm[ed] the right of others to pursue their normal activities and to be protected from injury or property damage, as defined by law,” Emory did not like the content of the speakers’ expression and sought to terminate it as quickly as possible.

34. Emory responded as if the expression on the quad was an emergency, requiring a large outside law enforcement response, when the expression did not come close to meeting the *Respect for Open Expression Policy*’s definition of an emergency.

35. While the *Respect for Open Expression Policy* clearly stated that “[t]ermination of an event or any arrests must be the option of last resort,” in fact, Emory had made the decision to terminate the protest before it had even started.

36. The *Respect for Open Expression Policy* required that the “Chair of the Committee for Open Expression, or their designee, must be consulted and must have advised the University of all alternatives to support continuation of the expression, protest, or dissent before there is any termination or arrest,” but Emory did not meaningfully consult with the Chair before terminating the protest via arrests.

37. Instead, Emory’s plan before the protest started was that if there was any tent placed on the quad, they would call the police immediately, all policies be damned.

38. Emory did not consider alternatives such as negotiating, moving the site of the protest, or even attempting to establish who the protesters were before

terminating the protest with arrest.

39. Within a half hour of protestors first coming to the quad, Emory directed officers from its own police department as well as from the APD and the Georgia State Patrol to swarm, for the purpose of stopping the expression immediately.

40. Emory improperly delegated its responsibilities to law enforcement, despite the situation not meeting the definition of “emergency” in the *Respect for Open Expression Policy*.

41. There was never any act of violence, any property damage, or any material disruption to university functions in the short time between people first came to the quad and when Emory caused law enforcement to forcibly crack down on the expression.

42. Other professors begged and pleaded with university leadership to adhere to Emory policies and to not create a violent situation.

43. Reasonable university officials know that campus police are trained on and experienced with accommodating and dispersing student gatherings. Reasonable university officials also know that bringing in outside law enforcement agencies—staffed with officers that lack that training and experience—escalates the situation, fomenting discontent and violence.

44. In addition, Emory officials had actual knowledge from just one year prior that calling in outside law enforcement would escalate tensions. It was reasonably foreseeably that calling APD and the Georgia State Patrol would lead to a violent crackdown on free expression, even though that expression was authorized

by both the letter of Emory's official policies and the spirit of its educational mission.

45. Emory negligently communicated with its community and law enforcement in a way that escalated the harms to Plaintiffs and the broader community. Emory told law enforcement that all Emory-affiliated persons had been told that they were barred from the quad, but that was not true. Instead, Emory *suggested* that the community might want to "avoid the area," as if it were a traffic advisory.

46. Emory negligently failed to create any kind of perimeter, with tape or people, to make clear that persons could not pass through the quad to get to class or work. It claims reliance upon a text alert that some of its arrestees did not even receive.

47. Emory negligently guessed that the people in the quad were not from Emory, when, in fact, the vast majority of the people present were Emory students and faculty who had the right to express themselves in that space.

Professor McAfee

48. Within minutes of arriving on the quad, Professor McAfee saw the Georgia State Patrol officers marching in. She took out her camera. As the officers advanced, many in the crowd turned to flee.

49. Professor McAfee saw a law enforcement officer tackle a young person and pummel them without justification. The mother in her said, "stop!" She observed from a sidewalk.

50. In response, officers handcuffed Professor McAfee.

51. A true and correct image of Professor McAfee being led away is reproduced here:



52. Officers took Professor McAfee to Emory Police Department Detective Beth Goree (formerly Walsh). Det. Goree charged Professor McAfee with disorderly conduct. Professor McAfee was taken to the DeKalb County Jail with other arrestees.

53. In Georgia, a person commits misdemeanor disorderly conduct if they act “in a violent or tumultuous manner toward another person whereby such person is placed in reasonable fear of the safety of such person’s life, limb, or health.” O.C.G.A. § 16-11-39(a)(1).

54. This statute criminalizes remarks to a police officer only if they are “fighting words’ or ‘true threats’ sufficient to place another person in reasonable fear for his safety” and “accompanied by ‘physical threats or insults to the officer, some aggressive conduct, or other aggravating circumstances.” *Tolston v. City of Atlanta, Ga.*, 723 F. Supp. 3d 1263, 1301 (N.D. Ga. 2024) (cleaned up).

55. Professor McAfee did nothing approaching probable cause for disorderly conduct, but Emory caused her to be arrested and prosecuted anyway.

56. Emory Police was the prosecutor on Professor McAfee's charge, even after video emerged showing beyond any doubt that she had not violated O.C.G.A. § 16-11-39.

Professor Keme

57. Professor Keme had a similar experience. He saw members of outside law enforcement agencies destroying things, pushing people, and generally behaving badly. He saw his students and his colleague, Professor Fohlin, as she was being violently arrested, and politely told the officer, "you don't need to do that."

58. Professor Keme then saw officers shooting bullets or pellets with pepper spray as they drove persons out of the quad. He went to help an older woman who was struggling (later identified as a senior lecturer). He offered her water and held her arms.

59. At this time Professor Keme had complied with law enforcement requests to leave the quad, but he was arrested anyway.

60. Professor Keme felt an arm around his neck and was taken to the ground.

61. An Emory Police Department official was hands-on involved in arresting Professor Keme.

62. Professor Keme was taken to a parking lot with other arrestees, and then he was taken to the DeKalb County Jail.

63. Although unable to make it back to campus in time to teach his afternoon class, Professor Keme did manage to email his students and successfully teach them virtually.

64. Emory caused him to be charged with disorderly conduct.

65. Emory Police was the prosecutor on Professor Keme's charge, even after video emerged showing beyond any doubt that he had not violated O.C.G.A. § 16-11-39.

66. As with Professor McAfee, the accusation was baseless. The DeKalb solicitor's office dropped it one year later.

Professor Fohlin

67. Within seconds of entering the quad, Professor Fohlin observed a very large, uniformed officer crushing a young person on the pavement. The officer's leg and knee were on the young man's head and neck. It looked like he couldn't breathe.

68. A true and correct image of the scene is reproduced here:



69. Professor Fohlin knew that an officer's knee on someone's neck could be fatal. Hundreds of millions of Americans had seen the consequences of that just a few years prior, when George Floyd was murdered by a police officer.

70. Professor Fohlin did not want that to happen anywhere, much less to Emory, a community she and her husband have served for many years. So she asked the officer, "What are you doing?"

71. The officer crushing the young man's neck did not like that Professor Fohlin had spoken up.

72. Emory Officer Haxton then grabbed her wrist and pulled Professor Fohlin to the side. She tried to explain that she worked there and told him what was happening. He did not care.

73. Officer Haxton yelled at Professor Fohlin to get on the ground. He then threw her to the ground, slamming the left side of her head and face onto the pavement. Her arms were behind her, unable to break her fall. He zip-tied her wrists tightly behind her back. At some point during this action, at least one other officer piled onto her, further pressing her into the ground.

74. An image showing the violent takedown of Professor Fohlin is reproduced here:



75. As the United States Department of Education, Office of Civil Rights would later note about Professor Fohlin’s arrest, the “video show[ed] an unresisting female professor being thrown to the ground with her face hitting the pavement.” *See* OCR Complaint Number 04-24-2178, January 16, 2025 correspondence to then-President Gregory Fenves.

76. A dizzy, disoriented, and in shock Professor Fohlin was walked to an area with other arrestees. She saw an Emory Police Department officer—a woman now believed to be Det. Goree—there on the phone taking orders, trying to figure out what to do with the arrested faculty. Professor Fohlin heard Det. Goree ask, “even the faculty?” and seemed to react in dismay. The Detective’s hands were shaking as she wrote something.

77. Still zip-tied, Professor Fohlin was loaded onto a police transport van and taken to the DeKalb County Jail. Det. Goree was there and released some arrestees with citations. She told Professor Fohlin, “you have to stay. You slapped an officer in the face.” The accusation is false.

78. Professor Fohlin did not slap a law enforcement officer.

79. Although video shows this did not happen, Professor Fohlin would have been entitled to use proportional force to prevent officers from killing an arrestee by piling on top of them and driving a knee into their head and neck area.

80. Professor Fohlin was then held overnight in the Dekalb County Jail until 4:00pm the next day. Jailers refused to give her water, directing her to a spigot on top of the communal toilet.

81. Because of the officer's false and materially incomplete accusation, Professor Fohlin was charged with battery of a law enforcement officer.

82. Emory Police was the prosecutor for Professor Fohlin's charge.

83. The charges continued even after video emerged that showed that Professor Fohlin did not slap any officer and/or that any force used would have been legally justified under the circumstances.

84. In fact, Emory did nothing to help her, despite knowing that the allegation of battery was false. In fact, University officials didn't take any necessary action to ensure that nonviolent students and faculty ensnared on the quad that day were not prosecuted.

85. Despite being made personally aware of the false prosecution of Professor Fohlin in 2025, then-President Fenves refused to even voice any support for her or any other faculty member ensnared as a result of Emory's mistakes.

86. In September 2025, almost a year and a half after she was caught up on the quad, the charge against Professor Fohlin was belatedly dismissed.

Ongoing Harms

87. Law enforcement arrested a total of 20 members of the Emory community that day.

88. All charges were handled by the Emory Police Department.

89. Emory decided what criminal offense to charge for each Plaintiff.

90. Videos of Professor McAfee and Fohlin's wrongful arrests 'went viral.' Professor Keme's arrest was broadcast on live television.

91. Emory did nothing to help them.

92. Instead, in the aftermath of their baseless arrests, Emory spread lies about what happened, ratifying its officers' wrongful conduct and its administrators' breaches of the *Open Expression Policy*.

93. Emory leadership revived the civil rights-era trope of "outside agitators," when they knew that a supermajority of the people who were arrested were Emory community members, like Plaintiffs. Emory leadership then repeated the "outside protestors" falsehood long after they knew it was not true.

94. Emory leadership falsely accused the people assembled of disruption, when, in fact, there was no disruption until Emory caused law enforcement to silence the free expression in violation of its own policies, foreseeably leading to arrests and the use of weapons, including chemical irritants. And, of course, Professors McAfee, Keme, and Fohlin disrupted nothing at any time.

95. Despite all of the continued falsehoods, Emory never purported to claim any circumstance qualifying as an emergency under the *Respect for Open Expression*

Policy (“imminent serious bodily harm; serious threat; imminent life threatening behavior; reckless disregard for human life; or threat to life, limb, or property”).

96. Through its later actions and inactions, and despite the knowledge it gleaned from an external independent investigation, *see infra*, Emory’s leaders ratified the unlawful acts of its employees and the outside officers it had summoned to the quad on April 25, 2024. They continued to approve of Plaintiffs’ arrests and prosecutions long after objective evidence showed the arrests to be baseless.

97. After all this unwanted and undeserved attention caused by Emory’s breaches of its policies, procedures, and duties, all three Plaintiffs were targeted by an outside national conservative group. The group plastered Emory’s campus with flyers entitled “Security Alert” that included their names, ages, and mugshot-style photos, under the word “Arrested.” This group’s “past efforts have led to faculty on campuses across the nation receiving ‘threats of harm’ – including violence or death, according to research by the American Association of University Professors.” Timothy Pratt, *Atlanta’s Emory University targeted by anti-Palestinian group: ‘It’s scary’*, The Guardian, Sept. 12, 2024.

98. Emory’s leaders were personally informed of the targeting of Plaintiffs, but did not care. A high-ranking Emory official justified the University’s inaction by speculating that *someone else* put the national group’s logo on the flyers and had them distributed on campus. A cursory look online would have revealed this assertion to be false.

99. The situation confirmed that Emory's principal excuse for calling in outside law enforcement on April 25, 2024—*safety*—was pretextual and unworthy of credence. Emory did not care about Plaintiffs' safety when they were targeted by off-campus agitators. *That* group was simply engaging in open expression.

100. Online harassment, including threats of violence, followed Plaintiffs' arrests, and the harassment and threats have continued.

101. Emory's actions leading to mass arrests of community members, including Plaintiffs, has chilled community members' speech in the many months that have followed. Community members now fear that Emory will cast aside its commitments at a whim for any perceived benefit of expediency.

102. In the immediate aftermath, supermajorities of various faculty and student groups voted "no confidence" in the University President.

103. Emory hired the Jones Day law firm to conduct an investigation into the events of April 25, 2024. The firm wrote a report and delivered it to the University's highest officials. Emory never released the Jones Day report to its community.

104. Plaintiffs were forced to hire criminal defense attorneys to properly defend themselves against the unnecessary, and baseless, charges instituted by Emory.

Causes of Action

Count I ***Negligence***

105. At all times, Emory had and has a duty to act with due care. As to its students and faculty members in particular, Emory had and has a duty to protect community members engaged in free expression from foreseeable harm, to communicate reasonably, and to take basic and reasonable measure to prevent the false arrests of its community members.

106. Emory also had a duty to follow its own policies, procedures, and obligations.

107. Emory breached its duties when it, for example, directed law enforcement to forcibly terminate the April 25, 2024 protest, as a first rather than as a last resort.

108. Emory officials knew that outside law enforcement agencies would be more aggressive and harmful to students and faculty members, and less committed to its own policies and principles of free expression, than its campus life administrators and members of the Emory Police Department. And even then, Emory's own officers used violence against Plaintiff Fohlin that day.

109. Given Emory's knowledge, it was utterly foreseeable that its decision to enlist law enforcement to forcibly terminate permitted open expression, without consideration of reasonable alternatives, would cause wrongful arrests and other harms.

110. Emory failed to intervene to correct false charges brought by Emory employees—even after leadership knew them to be false.

111. Emory’s breaches directly and proximately caused, and continued, Plaintiffs’ harms.

Count II
Breach of Contract

112. As tenured faculty members, Plaintiffs are parties to contractual relationships with Emory University. *See Doe v. Emory Univ., Inc.*, No. 1:21-CV-4859-TWT, 2022 WL 17419555, at *8 (N.D. Ga. Dec. 5, 2022) (denying Emory’s motion to dismiss contract claims incorporated from sexual misconduct policy and Title IX); *Doe v. Emory Univ.*, 110 F.4th 1254, 1264 (11th Cir. 2024) (*different Doe*) (reversing trial court conclusion that suspended student could not state contract claim for Emory’s alleged breach of sexual misconduct policy); *see also Williams v. Corp. of Mercer Univ.*, 542 F. Supp. 3d 1366, 1375 (M.D. Ga. 2021) (“specific contractual terms can also be found in university policies and course webpages”).

113. Emory’s breached its contractual duties to Plaintiffs by, among other things, terminating the expression as a first option rather than a last resort; failing to meaningfully consult with the Chair of the Committee for Open Expression; failing to consider all alternatives to support continuation of the expression; and requesting law enforcement, including outside law enforcement agencies, to forcibly terminate peaceful expression allowed by the *Respect for Open Expression Policy* in the absence of an emergency.

114. These breaches were a foreseeable consequence of Emory's decision to call for outside law enforcement to break up a protest.

115. Emory's breaches directly and proximately caused Plaintiffs' harms.

Count III
Breach of the Implied Covenant of Good Faith and Fair Dealing

116. As party to a contract with Plaintiffs, Emory University owed each a duty of good faith and fair dealing.

117. In Georgia, the implied duty of good faith and fair dealing requires all parties to do things reasonable and necessary to effect the full purpose of the contract.

118. Emory breached this duty by among other things, terminating the expression as a first option rather than a last resort; failing to consult with the Chair of the Committee for Open Expression; failing to consider all alternatives to support continuation of the expression; and requesting law enforcement, including outside law enforcement agencies, to forcibly terminate peaceful expression allowed by the *Respect for Open Expression Policy* in the absence of any emergency.

119. Emory further breached this duty by summoning to a protest outside law enforcement agencies it knew had a history of disproportionate, aggressive responses to free expression. In other words, the reasonable and necessary course of action, had Emory wished to effectuate Plaintiffs' academic and educational purpose, would have been to adhere to the *Respect for Open Expression Policy* under the supervision of student affairs administrators, with the Emory Police Department available in an emergency. In the circumstances presented that day, Emory's

violation of its policies and contrary decision caused Plaintiffs' unnecessary arrests and prosecutions, impairing their performance of their contractual duties.

120. Emory's breach directly and proximately caused Plaintiffs' harms.

Count IV
False Arrest, False Imprisonment, and/or Malicious Prosecution

121. Georgia law establishes causes of action in tort for false arrest, false imprisonment, and malicious prosecution. O.C.G.A. §§ 51-7-1, 51-7-20, and 51-7-40.

122. Emory is liable to Plaintiffs for at least one of these overlapping torts because its officers, acting upon Emory's direction, arrested Plaintiffs without probable cause, unlawfully detained them in deprivation of their personal liberty, and refused to take appropriate corrective action—long after they knew the charges had no arguable basis.

123. No charge against any Plaintiff resulted in any conviction.

124. Plaintiffs were damaged by Emory's false arrest, false imprisonment, or malicious prosecution.

Count V
Breach of Legal Duty under O.C.G.A. §§ 51-1-6, et seq.

125. Emory breached a wide range of legal duties owed to Plaintiffs, including duties imposed by policy, procedure, contract, training, and state law.

126. For example, Emory breached its duty to exercise reasonable care and its own policies and procedures.

127. As a direct and proximate result of Emory's actions, Plaintiffs were wrongly detained and harmed, experiencing emotional pain and suffering.

Count VI
Tortious Misconduct

128. “[A] business inviter owes a public duty to protect its invitees from abusive language and conduct.” *Swift v. S. S. Kresge Co.*, 159 Ga. App. 571, 572 (1981). The tort “is based on the right of the invitee to be protected from any tortious misconduct on the part of the corporation from its agents and employees acting within the scope of their duties and about their master's business.” *Id.*

129. Plaintiffs were invitees of Emory University.

130. Plaintiffs were subjected to abusive, opprobrious, insulting, or slanderous language and conduct by Emory’s employees and agents.

131. Emory breached its duty to protect Plaintiffs from harm caused by the tortious misconduct of its employees and agents.

Count VII
Ratification

132. After learning that Plaintiffs were not outside agitators, were wrongfully arrested by law enforcement, and were being wrongly prosecuted by the State, Emory nevertheless elected to ratify the tortious and unlawful decisions of those outside entities.

133. Emory’s ratification of others’ wrongs is implied by its acts of confirmation, its silence and acquiescence, and from its decision to hold onto the perceived benefits of the harms done to Plaintiffs.

134. Emory's administrators, for example, may believe that the university benefits from the arrests and prosecutions of Plaintiffs, and corresponding chilling effect the arrests and prosecutions have had on other faculty members and students.

135. Emory failed to repudiate or express its dissatisfaction with the arrests and prosecutions of Plaintiffs.¹

Count VIII
Expenses of Litigation

136. Plaintiffs are entitled to personally recover expenses of litigation under O.C.G.A. § 13-6-11 because Emory has acted in bad faith, been stubbornly litigious, and caused them unnecessary trouble and expense.

Count IX
Punitive Damages

137. By engaging in the above-described conduct, Emory's actions showed willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences so as to entitle Plaintiffs to punitive damages pursuant to O.C.G.A. § 51-12-5.1.

138. Emory and one or more of its officials acted with the specific intent to cause harm by making and continuing to assert charges that were not true.

Prayer for Relief

Plaintiffs respectfully request that this Court:

- a) Hold a trial by jury on all issues so triable;

¹ To the extent ratification is not an independent cause of action, it is enumerated as such today to place Defendant on notice that Plaintiffs intend to advance a state-law ratification theory in every one of their formal causes of action.

- b) Award compensatory, special, and punitive damages in an amount to be proven at trial;
- c) Award reasonable attorney fees;
- d) Tax all costs of this action against Emory; and
- e) Award any additional or alternative relief, whether legal or equitable, that is just and appropriate.

RESPECTFULLY SUBMITTED, this the 23rd day of April, 2026.

/s/ Zack Greenamyre
Zack Greenamyre
Georgia Bar No. 293002
Andrew Canter
Georgia Bar No. 365212
Nicolas W. Steenland
Georgia Bar No. 809861

MITCHELL SHAPIRO GREENAMYRE & FUNT, LLP

881 Piedmont Avenue NE
Atlanta, Georgia 30309
Phone: 404-812-4747
Fax: 404-812-4740
zack@mitchellshapiro.com
andrew@mitchellshapiro.com
nick@mitchellshapiro.com

STATE COURT OF
DEKALB COUNTY, GA.
4/23/2026 10:05
E-FILED
BY: Monica Gay