

IN THE STATE COURT  
OF FULTON COUNTY  
GEORGIA

DEZSO BENEDEK and ANN BENEDEK, )

Plaintiffs, )

vs. )

MICHAEL F. ADAMS, NOEL FALLOWS, )  
JANE GATEWOOD; JUDITH SHAW; KASEE )  
LASTER, THE BOARD OF REGENTS of the )  
UNIVERSITY SYSTEM OF GEORGIA, and )  
SAM OLENS the ATTORNEY GENERAL OF )  
GEORGIA )

Defendants.

CIVIL ACTION NO.  
13EV016714D

JURY TRIAL DEMANDED

**AMENDED COMPLAINT FOR DAMAGES**

Come now Plaintiffs Dezso and Ann Benedek and bring this action under OCGA §16-14-1 et seq. (Georgia RICO), OCGA § 51-6-1&2 and OCGA § 13-6-11 for damages and injunctive relief for concerted reprisals and retaliation intended to kill his academic programs and destroy his career through acts of fraud by Defendants, up to and including the malicious fabrication and dissemination of false allegations and false evidence against Dr. Benedek with the intent to harm him—in a pattern of illegal activity under the RICO statute including acts of evidence tampering, and mail and wire fraud by which Defendants created misrepresentations that harmed the Plaintiffs. Use of these misrepresentations for purposes of a subsequent tenure revocation action

against Dr. Benedek resulted in additional acts of evidence tampering, false reports to a government agency, perjury, and subornation of perjury, as part of the same conspiracy to harm Plaintiffs. In addition, Plaintiffs bring alternative claims for fraud, loss of consortium, intentional infliction of emotional distress, and punitive damages.

### **Parties and Relevant Persons**

1.

Plaintiff Dezso Benedek is a tenured professor at the University of Georgia (UGA) who resides in Athens, Georgia.

2.

Plaintiff Ann Benedek also resides in Athens, Georgia, and is the wife of Plaintiff Dezso Benedek, as she was at all times relevant to this Complaint.

3.

The University of Georgia is a public state institution and unit of the Board of Regents located in Athens, Georgia.

4.

The Board of Regents is a governmental authority overseeing the state university system in Georgia.

5.

The Attorney General of Georgia is a constitutional officer of the State of Georgia, serving as the top law enforcement officer of the state and as an arbiter of ethical questions for attorneys in the state of Georgia.

6.

Thurbert Baker was the Attorney General of Georgia at the time of the events of the complaint. Sam Olens is now Attorney General and has been since the filing of Plaintiff's original complaint on February 15, 2013. The Attorney General of Georgia is sued as a government entity pursuant to OCGA §16-14-1 et seq (Georgia RICO)..

7.

Rebecca Mick is the Assistant attorney General who prosecuted the attempted tenure revocation action against Plaintiff.

8.

Dr. Michael F. Adams was President of UGA, sued in his individual capacity pursuant to OCGA §16-14-1 et seq (Georgia RICO).

9.

According to Regents Policy, all UGA officials acting in a tenure revocation proceeding are designated representatives of the president, including for purposes of OCGA §16-14-4(b).

10.

Arnett Mace was Provost at UGA at times relevant to this complaint.

11.

Clifton Pannell was a dean in the School of Arts and Sciences at UGA.

12.

Noel Fallows is a dean in the School of Arts and Sciences at UGA, sued in his individual capacity pursuant to OCGA §16-14-1 et seq (Georgia RICO).

13.

Judith Shaw is a resident of Athens, Georgia who worked as director of the UGA Office of Internal Education at times relevant to this complaint, sued in her individual capacity pursuant to OCGA §16-14-1 et seq (Georgia RICO).

14.

Kasee Laster is a resident of Athens, Georgia working in the UGA Office of International Education, sued in her individual capacity pursuant to OCGA §16-14-1 et seq (Georgia RICO).

15.

Jane Gatewood is a resident of Athens, Georgia working in the UGA Office of International Education, sued in her individual capacity pursuant to OCGA §16-14-1 et seq (Georgia RICO).

16.

All defendants who are state employees sued in their individual capacity are jointly and severally liable with the relevant state entity with respect to claims brought

under Georgia RICO. Any state tort law claims based on their actions as state employees are in the name of the Board of Regents. The Board of Regents is also liable as a governmental entity under Georgia RICO.

17.

Kavita Pandit is Associate Provost for International Education at UGA.

18.

Randy Beck is a law professor at the University of Georgia who effectively chaired the initial review panel in the attempted tenure revocation action against Plaintiff.

19.

Sarajane Love was a professor in the UGA School of Law who chaired the hearing committee in the attempted tenure revocation action against Plaintiff.

20.

Arthur Leed is an attorney employed in the UGA Office of Legal Affairs.

21.

Steve Shewmaker was director of the UGA Office of Legal Affairs.

22.

Burns Newsome is Secretary and counsel to the Board of Regents.

23.

Donald Leeburn is a resident of Georgia who served on the Board of Regents at times relevant to this action.

24.

Thomas Hopkins is a resident of Georgia who served on the Board of Regents at times relevant to this action.

25.

Mansfield Jennings is a resident of Georgia who served on the Board of Regents at times relevant to this action.

26.

Kenneth R. Bernard is a resident of Georgia who served on the Board of Regents at times relevant to this action.

27.

Doreen Stiles Poitevint is a resident of Georgia who served on the Board of Regents at times relevant to this action.

28.

Ben J. Tarbutton III is a resident of Georgia who served on the Board of Regents at times relevant to this action.

29.

Kessell Stelling is a resident of Georgia who served on the Board of Regents at times relevant to this action.

30.

Larry Walker is a resident of Georgia who served on the Board of Regents at times relevant to this action.

31.

Frederick Cooper is a resident of Georgia who served on the Board of Regents at times relevant to this action.

32.

Willis Potts is a resident of Georgia who served on the Board of Regents at times relevant to this action.

33.

Phillip A Wilheit Sr is a resident of Georgia who served on the Board of Regents at times relevant to this action.

34.

Wanda Yancey Rodwell is a resident of Georgia who served on the Board of Regents at times relevant to this action.

35.

William NeSmith Jr is a resident of Georgia who served on the Board of Regents at times relevant to this action.

36.

William A. Rutledge Jr is a resident of Georgia who served on the Board of Regents at times relevant to this action.

37.

Frederick Cooper is a resident of Georgia who served on the Board of Regents at the time relevant to this action.

38.

Defendants in this action, including individuals in the position of state government officials, acted with the specific intent to injure Plaintiff as described herein.

39.

Upon information and belief, some or all of the named individuals are co-conspirators, whether named as defendants or not, and whether their acts are attributable to themselves, individually, under Georgia RICO or to the State of Georgia under the Georgia Tort Claims Act. Whether or not they are held individually liable, their acts form part of the conspiracy to injure Plaintiff whether by RICO predicate acts, fraud, intentional infliction of emotional distress, loss of consortium, or any other delict described in this complaint or supported by the evidence adduced in this action.

40.

Plaintiffs reserve the right to amend the complaint to name as individual defendants any person named herein who, upon discovery in this action, proves to have

committed or conspired to commit any indictable act under RICO, or committed any tortious act or conspired with the perpetrators of any tortious act so as to incur liability either as a state official acting outside the scope of official duties pursuant to OCGA § 20-21-25(a) or as an individual engaging in a fraudulent enterprise for the purpose of harming Plaintiffs pursuant to OCGA §16-14-1 et seq (Georgia RICO).

### **Jurisdiction and Venue**

41.

Plaintiff hereby incorporates and re-allege the preceding paragraphs as if set forth fully herein.

42.

A substantial part of the transactions giving rise to this action occurred in Fulton County and Defendants Board of Regents and Attorney General of Georgia reside in the county. Therefore, venue is proper in Fulton County pursuant to OCGA § 9-10-93 and § 16-14-11.

43.

Defendant Board of Regents of the University System of the State of Georgia is an agency or a department of the State of Georgia, which is subject to the jurisdiction of this Court by virtue of the facts hereinafter alleged and the application of O.C.G.A. § 16-14-1 et seq. and O.C.G.A. § 50-21-20 et seq. The Board of Regents is the named

entity responsible for all acts by officials at the Board of Regents or the University of Georgia performed within the scope of their duties that are alleged to be tortious. The Regents are also liable for criminal acts of University System employees under O.C.G.A. § 16-14-4(b).

44.

Service on Defendant Board of Regents of the University System of Georgia, State of Georgia, may be made pursuant to O.C.G.A. § 50-21-35 by serving the Chancellor of the Board of Regents, Hank M. Huckaby, at his usual office address, which is: 270 Washington Street, SW, Suite 7025, Atlanta, Georgia 30334, and by serving Lisa Pratt, Director of Risk Management Services of the Georgia Department of Administrative Services, at her usual office address, which is: 200 Piedmont Avenue, SE, Suite 1804, West Tower, Atlanta, Georgia, 30334-9010.

45.

Defendant Michael F. Adams was President of the University of Georgia at the times relevant to this action and may be served at his usual office address: Office of the President Emeritus, 310 Main Library, 320 South Jackson Street, Athens, GA 30602.

46.

Defendant Noel Fallows is Associate Dean of the Franklin College of Arts and Sciences of the University of Georgia and may be served at 0316 Old College, 215 Herty Drive, Athens, GA 30602.

47.

Defendant Kasee Laster is Director of Education Abroad at the UGA Office of International Education at the University of Georgia and may be served at 1324 South Lumpkin Street, Athens, GA 30602.

48.

Defendant Jane Gatewood is Director of International Partnerships at the UGA Office of International Education at the University of Georgia and may be served at 1324 South Lumpkin Street, Athens, GA 30602.

49.

Defendant Judith Shaw is the retired Associate Provost, Office of International Affairs, at the University of Georgia, residing in Athens, Georgia, and may be served at 466 Highland Avenue, Athens, GA 30606.

50.

The acts of the named individual defendants are attributable to the State of Georgia to the extent they are alleged to constitute tortious conduct under the laws of the State of Georgia not excepted by the GTCA. Defendants are also personally liable for tortious acts to the extent they arise under OCGA 16-14-1 et seq. for acts of retaliation against Plaintiff in order to harm his economic interests or the furtherance of an illegal conspiracy for those purposes under OCGA §16-14-4(c) et seq (Georgia RICO).

51.

Notwithstanding any claim of sovereign immunity, otherwise tortious or criminal acts serve as predicate acts of conspiracy, whether the conspiracy is alleged to violate the tort law of Georgia or the RICO statute.

52.

Pursuant to O.C.G.A. § 50-21-35, undersigned counsel for Plaintiff certifies that he has mailed a copy of this Complaint via certified mail, return receipt requested, to the Office of the Attorney General at his usual office address, to wit: Sam Olens, 40 Capital Square, S.W., Atlanta, Georgia, 30334-1330.

53.

Plaintiff filed a timely ante litem notice. Pursuant to O.C.G.A. § 50-21-26, insofar as it is required for any state tort law claims.

54.

Plaintiff received certified mail return receipts for the ante litem notice, insofar as it is required for any state tort law claims.

### **Procedural History**

55.

Plaintiff filed the original Complaint in Fulton County State Court on February 15, 2013. Defendants removed the action to federal court in the US District Court for the Northern District of Georgia, Case No. 1:13-CV-00939-AT.

56.

Subsequent amendments were filed in federal court in response to a motion to dismiss by Defendants, and other amendments filed on the same basis were denied by the federal court contrary to Rule 15 of the Federal Rules of Civil Procedure.<sup>1</sup>

---

<sup>1</sup> Subsequent to Defendants filing a motion to dismiss and removing the action to federal court on the basis of claims under 42 USC § 1983, Plaintiff filed an Amended Complaint on April 12, 2013. Subsequent to Defendants' Motion to Dismiss under FRCP 12(b)(6) in Lieu of an Answer (their second Rule 12(b) motion filed in this action), Plaintiff filed the Second Amended Complaint pursuant to FRCP 15(a)(1).

Pursuant to the Court's Order denying Plaintiff's amendment, dismissing the federal claims based on an inapplicable two-year statute of limitations, and remanding the cause to State Court, Plaintiff filed a Motion for a Stay of the Order and a Motion for Reconsideration, in order to re-instate the dismissed claims according to the governing four-year statute of limitations under OCGA § 9-3-33 for claims involving loss of consortium, the four-year statute of limitations for federal RICO, and the 5-year statute of limitations for Georgia RICO.

In addition, Plaintiff filed a Motion for Leave to Amend, requesting leave to file a Third Amended Complaint to clarify the consortium claim that gives a four-year statute of limitations for personal injury claims under Georgia law, and thus sets the statute of limitations for Section 1983 claims under federal law.

In addition, this requested Third Amended Complaint added claims--based on much of the same conduct underlying Plaintiff's original state law conspiracy claims and federal Section 1983 claims—under the federal RICO Act, 18 USC § 1961 et seq., which also carry a four-year statute of limitations. This extension of the statute of limitations from two-years, under the Court's prior Order, to four years encompasses all the causes in the Complaint which, according to the US District Court's prior Order of dismissal and remand, accrued in October of 2010. The US District Court refused to reconsider its previous orders, or to allow Plaintiff to amend as permitted as of right

57.

Rather than appeal these orders and actions of the US District Court that are inconsistent with the applicable Federal Rules and seek remand to the same federal district court, Plaintiff has elected to re-file the action, as amended, in state court without the federal claims that allowed removal and the subsequent waste of attorney time and resources, for which Plaintiff seeks treble damages from defendants under the RICO statute.

58.

The instant Complaint filed herein is further amended to encompass only claims for Plaintiff's rights under state law, and to include the additional predicate acts allowed under Georgia (as opposed to federal) RICO, including perjury, subornation of perjury, false statements as to any matter within state jurisdiction, and evidence tampering. This does not constitute a waiver of any rights under federal law.

59.

As the Complaint differs in the legal theories and the parties, Plaintiff is filing it with a Motion for Leave to Amend.

---

under Federal Rule of Civil Procedure 15 in response to a motion by a defendant under Rule 12(b).

The US District Court refused to reconsider its previous orders, or to allow Plaintiff to amend as permitted as of right under Federal Rule of Civil Procedure 15 in response to a motion by a defendant under Rule 12(b).

## **Statement of Facts**

60.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

61.

Plaintiff Dezso Benedek is an award-winning, tenured professor of Comparative Literature at the University of Georgia. He is the former head of the Asian Languages Program and an expert in numerous Asian and Eastern European Languages, literatures, and mythologies.

62.

Benedek is a native Romanian of Hungarian ethnicity, and arrived in the U.S. as a political refugee in danger for his life for speaking out against the tyranny of the brutal Romanian dictator Nicolae Ceaușescu.

63.

At UGA, Benedek developed a number of study abroad programs that were extremely popular with UGA students and that achieved excellent academic results. These included the Maymester in Budapest program and Chinese language programs at Huangshan and Jilin Universities in China.

64.

All these study abroad programs were based on courses approved under University of Georgia curriculum guidelines that were listed in the UGA Bulletin at all times relevant to this action.

65.

The effectiveness of the UGA-approved curriculum in the Chinese language programs was enhanced by cultural immersion, one-on-one instruction, and home stays in the host countries.

66.

The Maymester in Budapest included educational opportunities offered virtually nowhere else, including prestigious internships at the highest level of Hungarian governmental and cultural institutions, and interaction with authentic nomadic tribes in their own environment.

67.

Despite this excellent track record as a teacher and academic, Benedek found himself at odds with the UGA administration of President Michael Adams.

68.

Benedek spoke out publicly on matters of public concern against President Adams' administration of the University of Georgia.

### Protests

69.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

70.

In one typical example, Benedek accused Adams and his administration of running the state institution as a private plantation without regard to the academic integrity of the institution or the best interests of the students, as reported in the UGA newspaper, Red & Black.

71.

Benedek engaged in a public hunger strike directed at President Adams to protest treatment of students in a study abroad program at Huangshan.

72.

This protest was later cited by the Attorney General, acting on behalf of President Adams, as a factor supporting the subsequent retaliatory and otherwise unjustified attempt to revoke Benedek's tenure, thereby destroying his academic career and the programs he developed.

73.

When the Adams administration denied credit and HOPE scholarship funding for the Maymester in Budapest program under a patently false pretext that the curriculum was not approved, Benedek protested this arbitrary decision intended to

harm him, advocating that the Adams administration act in the best the interests of the students involved instead of targeting his programs for personal reasons.

74.

This protest of the credit denial was also cited by the Attorney General, acting on behalf of President Adams, as a factor supporting revocation of Benedek's tenure and the destruction of his career.

75.

Benedek also encouraged students to protest the decision to deny credit and HOPE funding, in their own interest, as well as on behalf of the academic integrity of the institution.

76.

This student protest was also cited by the Attorney General, acting on behalf of President Adams, as a factor supporting revocation of Benedek's tenure.

77.

Benedek engaged representation of counsel to advocate this cause and, again, this was cited by the Attorney General, acting on behalf of President Adams, as a factor supporting revocation of Benedek's tenure.

78.

Members of the Adams administration including but not limited to Defendants Fallows, Shaw, Laster, and Gatewood falsely represented to protesting students—in

person, by phone, and also by electronic message--that the decision to deny credit and HOPE funding for Dr. Benedek's programs was based on an "exhaustive review" in which the programs were found not to meet UGA standards, and that the denial was "irrevocable."

79.

On October 31, 2009, Benedek caused a letter to be sent via his counsel to the Board of Regents, detailing the failure of academic integrity at UGA, the decisions adversely affecting the university and its students, the pretexts for the adverse actions, and the fraudulent claim that these adverse actions were supported by any factual inquiry--and asked the Attorney General to investigate these actions that were harming UGA.

80.

In so doing, Benedek was calling attention to fraud, waste, and abuse in state institutions as described in the Georgia Whistleblower Protection Act, OCGA § 45-1-4.

81.

Through these protests Benedek exercised his rights of free speech under Article I, Section 1, Paragraph 5 of the Georgia Constitution and the First Amendment of the U.S. Constitution.

82.

These and other exercises of his right to free speech provoked negative and hostile reaction from the Adams administration.

83.

Defendants retaliated against Plaintiff for his speech in a way that would chill a reasonable person in the exercise of such rights.

84.

Actions taken by Defendants, including but not limited to attempts to kill academic programs created by Benedek by denial of credit and otherwise, regardless of their academic quality, were pretexts for retaliation for his protests, and were intended to harm Plaintiff and his career.

85.

Actions taken by Defendants, including but not limited to the false claims concocted against him and the fraudulent fabrication of evidence purportedly supporting these false claims, were pretexts for retaliation for his protests, and were intended to harm Plaintiff and his career.

86.

These fraudulent acts were committed in furtherance of a scheme to harm Plaintiff in a pattern of actions defined as predicate acts of conspiracy under OCGA §16-14-1 et seq (Georgia RICO)

87.

Actions taken by Defendants, including but not limited to the initiation of a tenure revocation action against Benedek, and the false claims made against him therein, were pretexts for retaliation for the exercise of his speech rights, intended to harm Plaintiff and his career.

88.

The false evidence and allegations brought by Defendants in retaliation against Benedek did, in fact, destroy the programs he created at UGA and did cripple his career, notwithstanding the fact that they were proven false in the course of the failed attempt to revoke his tenure.

89.

The fraud and retaliation brought against Benedek by Defendants harmed him independently of any administrative proceedings in which the false representations and fabricated evidence were used, and Defendants are not thereby entitled to immunity for these actions as previously claimed in the course of this litigation.

90.

All acts by which Defendants intended to harm Plaintiff Dezsó Benedek, and did harm Dezsó Benedek, also harmed Plaintiff Ann Benedek, the wife of Dezsó Benedek.

#### Interference with Benedek's Programs

91.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

92.

The first study abroad program created by Benedek using approved UGA curriculum to suffer denial of credit was the foundation-sponsored Chinese language program at Huangshan University.

93.

When academic credit was denied by the Adams administration for Huangshan's transfer credit transcripts, Benedek conducted a public hunger strike to protest this arbitrary decision that stranded a number of UGA students who had committed to spending a semester or more in China and were now without hoping of getting credit.

94.

To resolve the issue, President Adams agreed that a UGA delegation visiting China would visit Huangshan to inspect the program and make a determination on awarding credit.

95.

Behind the scenes, however, the reaction was overtly hostile. At the time of the hunger strike, one of UGA's super-elite students, a Foundation Fellow, was informed by the Fellows program director that, under the current climate in the Adams administration, her stipend for summer study would be denied if she used it according

to her expressed intent to go on Professor Benedek's Maymester in Budapest program—not because of any alleged issue with the quality of the program, but because of the ill-will generated by Benedek's public protests.

96.

Upon visiting Huangshan and inspecting the program, Provost Arnett Mace signed a written agreement with Benedek make Huangshan a UGA program, replacing the foundation sponsor, and directed delegation members Noel Fallows and Judith Shaw to implement that directive upon their return to Georgia.

97.

The written agreement expressly stated that UGA students would receive credit for the Chinese language program at Huangshan.

98.

Instead of implementing that directive upon his return, Fallows wrote and circulated a memo that was highly critical of Huangshan for reasons that were largely irrelevant to the quality of Benedek's Chinese language study abroad program, and Shaw denied subsequent requests for credit by UGA students attending the program.

99.

At the subsequent hearing in the attempt to revoke Plaintiff's tenure, Fallows denied under oath that he had ever circulated the anti-Huangshan memo.

100.

Provost Mace testified under oath in the subsequent tenure revocation hearing that his purpose in signing the agreement that was never kept was to kill Benedek's foundation-sponsored program at Huangshan. This testimony at the tenure revocation hearing in July of 2010 was the first statement by anyone from UGA why the agreement reached by Mace and Benedek was not implemented, and thus the first notice of the nature and extent of the conspiracy to harm Benedek's interests.

101.

The issues the Adams administration had with Huangshan were not related to the academic merit of the program, contrary to the sworn testimony of UGA witnesses at the tenure revocation hearing. In fact, after Benedek developed the foundation-sponsored program at Huangshan, Provost Mace requested Benedek to create a UGA program--modeled on the Huangshan study abroad program--at Jilin, a university with which UGA was already developing ties.

102.

Benedek created this UGA program at the Provost's request until he was ordered in a directive from Judith Shaw and Dean Kavita Pandit to abandon the UGA Chinese language study abroad program at Jilin.

103.

UGA students studying in the Jilin program created by Benedek--to UGA's specifications and employing the UGA-approved curriculum--were subsequently denied credit by the Adams administration.

104.

Defendant Shaw sought to have action taken against Plaintiff Benedek for the termination of the UGA study abroad program at Jilin, helping instigate the subsequent tenure revocation proceeding, an action she testified under oath at the tenure revocation hearing that she would not have taken if she had known of the written documentation of her directive to Plaintiff Benedek to terminate the same UGA study abroad program at Jilin that he was accused of destroying.

105.

Friction between Benedek and the Adams administration came to a head in 2009 when Benedek was informed by Dean Noel Fallows that academic credit and HOPE funding would be denied for Benedek's popular Maymester in Budapest program after many students had already signed up for it. UGA had previously awarded credit for the program for almost a decade, and awarded transfer credits from Eotvos Lorand University in Budapest (ELTE) since 2005. Prior to that, since 2001, when it was developed as part of the approved UGA curriculum, UGA had awarded credit directly to students in the Maymester in Budapest program.

106.

Since 2005, transfer credit issued by ELTE was accepted pursuant to an existing UGA-ELTE Cooperative Agreement, with an specific proviso reached between UGA and ELTE that UGA would accept ELTE's transfer credits as long as the UGA-approved curriculum did not change and the course were taught by a UGA professor. The same UGA professor, Dr. Benedek, continued to conduct the program using the same approved curriculum until such time as the Adams administration denied credit, accused Benedek of academic fraud in connection with the program, sought to revoke Benedek's tenure, and destroyed the Maymester in Budapest program, which no longer functions.

107.

The 2009 denial of academic credit by the Adams administration was based on a pretextual request for information on external study abroad programs, which initially targeted programs with which Benedek was associated. The questionnaire sought information on the instructors and the curricula. Of course in the case of Benedek's programs the instructor was a tenured UGA professor and the curriculum had already been developed at and approved by UGA.

108.

Dean Noel Fallows initially claimed that the sole reason for the denial of credit to Benedek's programs was his failure to return the questionnaire.

109.

At the subsequent tenure revocation hearing Defendants admitted that Benedek did return the questionnaire stating that his external program used UGA curricula and all the information requested was already in UGA's possession.

110.

Access to the information requested by Fallows was, in fact, in the UGA Bulletin, which lists all UGA course offerings, including those developed for the Maymester in Budapest program.

111.

Based on the alleged failure to return the questionnaire, Defendants dictated that Benedek's programs, though based on UGA-approved curricula, should be denied academic credit and HOPE scholarship funding.

112.

Other programs that did not return the questionnaire by the purported deadline were allowed to turn in the information later, but Defendants insisted the denial of credit for Benedek's programs was final and irreversible.

113.

When UGA students complained about the denial of credit and funding for the popular programs, Defendants informed them that the decision was final and irreversible.

114.

Students were also falsely informed by Defendants Fallows, Shaw, Laster, and Gatewood that the denial of credit was based not on the alleged failure to return a questionnaire but on an “exhaustive” investigation.

115.

These false statements intended to harm Plaintiff took the form of numerous phone calls, emails and letters sent by Defendants in furtherance of this scheme.

116.

Defendants falsely informed other universities participating in the program and considering sponsorship of the program that they should not participate because the program approved under UGA curriculum guidelines and taught by a UGA professor had been found to “lack academic merit” after an extensive investigation.

117.

This false information intended to harm Plaintiffs was conveyed in a series of telephone calls and emails by Defendants including but not limited to Laster, Fallows, Shaw, and Adams.

118.

Fallows and Shaw further asserted, *contrary to UGA policy*, that the Maymester in Budapest program would remain ineligible for academic credit and HOPE funding even if it were sponsored by another accredited U.S. university.

119.

Defendants also requested Benedek to provide information on his “conflicts of interest” associated with the external study abroad programs.

120.

Benedek responded through his counsel that no such conflicts existed, and requested information on what conflicts Defendants were alleging.

121.

Defendants never responded to identify the alleged conflicts. However, they proceeded to deny credit and HOPE funding for his programs, bring an action against him for tenure revocation alleging conflicts of interest, and defamed him throughout the academic community in Georgia, nationally, and internationally.

122.

In short, after Benedek’s hunger strike directed at President Adams, Defendants made every effort to target and destroy Benedek’s programs.

123.

Defendants thereby retaliated against Plaintiff for the exercise of his rights under the Georgia and U.S. Constitutions.

124.

Defendants participated in a concerted scheme for the purpose of harming Plaintiffs and their economic interests, involving more than two acts with the common purpose of furthering this scheme by misrepresentations via mail, electronic mail, and

telephone, by perjury and subornation of perjury, false statements to a state agency, and tampering with evidence.

### Complaint to Board of Regents

125.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

126.

On October 31, 2009, Benedek's counsel wrote to the Board of Regents complaining of the pretextual denial of credit and HOPE finding for Benedek's programs, without any academic justification, and pointing out the falseness of the claims that any investigation of the programs supported this action.

127.

Defendants subsequently contacted one of the foreign universities hosting a Benedek program in order to obtain some after-the-fact justification for the decision already made to deny credit.

128.

Benedek's counsel subsequently brought it to the attention of the Board of Regents that this supposed investigation did not begin until long after the decision to

deny credit and also did not begin until after the Adams administration claimed to protesting students that an investigation had already been conducted.

129.

Benedek's counsel requested the Board of Regents, through its investigative arm of the Attorney General's Office, to investigate this wrongdoing at UGA and vindictive action against Benedek that was contrary to the best interests of UGA and its students.

130.

The Board of Regents failed to investigate the claims of wrongdoing brought to its attention by Benedek.

131.

Instead, the response of the Georgia Attorney General was to inform Benedek's counsel that it had agreed to initiate a tenure revocation action against Dr. Benedek by agreement with and at the behest of the very UGA Defendants Benedek asked the Regents to investigate.

132.

The Board of Regents later failed to consider documented evidence of subsequent wrongdoing brought to it on appeal, including wrongdoing from the resulting tenure revocation proceeding, consistent with its earlier agreement with the Adams administration not to pursue the allegations in Benedek's October 31, 2009 letter.

133.

Defendants thereby retaliated against Plaintiff for his protests and participated in a conspiracy to harm Plaintiffs in violation of OCGA §16-14-1 et seq (Georgia RICO).

Fraudulent Allegations and Evidence Manufactured

134.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

135.

After Benedek's counsel informed the Regents that UGA had never contacted the host institutions and sponsors of the programs for which credit was denied, Dean Noel Fallows contacted officials at the academic sponsor of Benedek's Maymester in Budapest program, Eotvos Lorand University in Budapest (ELTE) for the first time.

136.

Fallows sent actual transfer credit transcripts of UGA students to ELTE, pointedly asking them to confirm that transfer credit transcripts that had been turned in for UGA students in previous years for the Maymester in Budapest were fakes and forgeries. This occurred in May of 2009, after UGA students had already departed to attend the Maymester program.

137.

Neither Fallows nor anyone else in the Adams administration preformed any investigation with respect to ELTE prior to announcing the decision to deny credit for the Maymester in Budapest program.

138.

Defendants made no contact with ELTE prior to informing UGA students that credit was being denied after an “exhaustive” investigation.

139.

Defendants made no contact with ELTE prior to advising Notre Dame University and other institutions that they should not participate in the Maymester program because it had been found to “lack academic merit” after the exhaustive investigations—which, of course, had never occurred.

140.

ELTE officials rejected Fallow’s contention that the transcripts were not valid and affirmed the quality of the program and validity of the transfer credit transcripts.

141.

Though there has never been any indication that there was ever any basis for Fallows’ contentions that the transfer credit transcripts were illegitimate in the first place, Fallows accused the ELTE officials responding to his inquiries of being frauds.

142.

Fallows subsequently had Provost Arnett Mace contact the Rector of ELTE directly.

143.

According to Mace's later sworn testimony, Fallows showed Mace the "suspicious" transfer credit transcripts and asked Mace to contact the ELTE Rector about them, but that Fallows had covered up the portion of the transcript that contained the official seal of ELTE, indicating its origin.

144.

When contacted by Provost Mace, the ELTE Rector confirmed the validity of the transcripts and the authority of the ELTE officials who had previously responded.

145.

The Rector further explained that ELTE issued the transfer credits pursuant to a formal cooperative agreement it had previously entered with UGA (the UGA-ELTE Cooperative Agreement).

146.

During its attempts to revoke Benedek's tenure and destroy his career, the Adams administration denied the existence of this UGA-ELTE Cooperative Agreement, despite its confirmation by ELTE, and almost all trace of the cooperative agreement disappeared from UGA records. However, copies of the agreement and

cover letters transmitting it, procured from ELTE and the UGA Department of Comparative Literature, bore the signatures of Defendants Gatewood and Adams.

147.

ELTE explained to Fallows and Mace in the spring of 2009 that it had entered an arrangement to serve as academic sponsor for the Maymester in Budapest program at UGA's request, according to communications with then-Dean Clifton Pannell, since retired, in 2005 and pursuant to the UGA-ELTE Cooperative Agreement. The agreement with Pannell specific to the Maymester program, as recited by ELTE, was that ELTE would issue transfer credits and UGA would accept them as long as the courses were taught by a UGA professor—in this case Professor Benedek—and the curriculum did not change from what had been approved under UGA curriculum guidelines.

148.

When UGA Office of Legal Affairs attorney Art Leed contacted former Dean Pannell as part of the investigation UGA instigated after denying credit for the program and informing students that an investigation had already been conducted, Leed broached the subject with Pannell by forwarding ELTE's confirmation of the transfer credit arrangement under the UGA-ELTE Cooperative Agreement with the comment, "Here's the strange email."

149.

The UGA Office of Legal Affairs reports directly to President Michael Adams, who signed the UGA-ELTE Cooperative Agreement whose existence was denied by Defendants.

150.

The agenda of the UGA Office of Legal Affairs was frequently dictated by President Michael Adams, contrary to actual sound legal doctrine, and the UGA Office of Legal Affairs has already been cited by at least one federal judge for its failure to follow the applicable law, or to even “know what the law is.”

151.

Knowing that ELTE had confirmed the validity of the transfer credit transcripts for the Maymester in Budapest, Fallows set out to find alternative means to discredit the transcripts—and discredit Benedek in the process.

152.

As part of this scheme, Fallows impersonated UGA students who previously received credit for the Maymester in Budapest and other Benedek programs--violating federal student privacy law under the Family Educational Right to Privacy Act (FERPA) 20 USC § 1232g--and sent the students’ transcripts, without their knowledge or permission, to credit evaluation agencies, seeking to obtain negative references to Benedek’s programs.

153.

Fallows disclosed the students' names, social security numbers, and other private information in the process, in violation of FERPA.

154.

Fallows sent transcripts in violation of federal law to at least four different credit evaluation agencies. All but one came back advising that the ELTE and Huangshan transfer credit transcripts were valid and that credit should be awarded by UGA.

155.

Fallows illegally sent the student transcripts, as part of this artifice intended to discredit Dr. Benedek, via U.S. mail.

156.

Fallows sent UGA student transfer credit transcripts from Benedek's programs at ELTE and Huangshan separately to four different credit evaluation agencies.

157.

Three of the agencies reviewed the transcripts from Huangshan and ELTE and reported that they were in order and made a recommendation on credit equivalency for UGA.

158.

One of the four agencies, Silny and Associates, responded to Fallows that the ELTE transcripts did not appear to be normal ELTE transcripts because the courses were listed with alternate UGA course numbers.

159.

The reason for that, as Benedek’s counsel explained to the Attorney General and UGA Office of Legal Affairs, prior to the tenure revocation hearing, and as they could have learned for themselves by consulting the UGA Course Bulletin, was that the curriculum was in fact developed at UGA, approved under UGA curriculum guidelines, and taught by a UGA professor.

160.

Defendants had already received this same explanation from ELTE, with the additional information that the transfer credit was issued under the cooperative agreement with UGA—which Defendants denied the existence of under oath.

161.

Fallows did not inform Silny of these UGA origins of the Maymester courses. If Silny had possessed that information that Fallows withheld, it would have explained the apparent discrepancy in the transcripts Silny observed.

162.

When Silny asked if it should investigate further, Fallows responded that they should not, as he had the answer he wanted—that is, that ELTE was not the source of the transfer credit transcripts.

163.

At the time of the tenure revocation hearing in July 2010, Defendants knew that Silny was, in fact, further investigating its prior determination that the transcripts may not be in order—by once again sending a UGA student transcript illegally provided to them by Noel Fallows, under the false pretense that the UGA student was applying to graduate school.

164.

This false record and misrepresentation of the ELTE transcripts, created by misleading and withholding information from Silny, was intentionally used by Defendants as a false pretext to call the legitimacy of Benedek’s programs into question for the express purpose of causing injury.

165.

This fraudulent creation of false evidence to create an appearance of wrongdoing by Benedek was harmful, and was intended to injure Benedek, irrespective of the use of such fraudulent misrepresentation in a tenure revocation hearing or any other proceeding.

166.

This denial by the Adams administration of the ELTE-UGA Cooperative Agreement and the subsequent transfer credit agreement with Dean Pannell, and subsequent suppression of evidence supporting their existence—along with the deliberate and systematic manufacture of false evidence, by illegal means, to create an

impression of wrongdoing in the Maymester program that included falsification of the transfer credit transcripts--was used for several nefarious purposes by Defendants, in retaliation for Benedek's protests against the Adams administration, including but not limited to the after-the-fact pretext for the unjustified denial of credit for Benedek's programs, the attempt to shut down those programs outright by Noel Fallows, and the negative misrepresentation of Benedek to other participating universities by Defendants Fallows, Judith Shaw, Kasee Laster, and Jane Gatewood.

167.

This fraudulent information was created for the express purpose of harming Professor Benedek through misrepresentations transmitted by Defendants via U.S. mail, electronic mail, and telephone.

168.

Irrespective of the tenure revocation action subsequently brought against Benedek on these false, manufactured grounds, Benedek and his programs were harmed by these and other misrepresentations that were both fabricated and disseminated by Defendants.

169.

The Attorney General of Georgia brought charges and used this evidence against Dr. Benedek with full knowledge of its origin, and also had knowledge of ELTE's

official responses to UGA’s inquiry—in which ELTE confirmed the authenticity of the transcripts Benedek was accused of falsifying.

170.

This fraud in the creation of a false record against Benedek also served as part of the basis for the agreement between the Board of Regents, individual defendants at UGA, and the Attorney General of Georgia in a conspiracy to destroy Benedek’s career and programs, in part through a tenure revocation action based on this false record.

171.

Defendants’ fraudulent misrepresentations also caused Plaintiffs severe stress, emotional distress, and resulting physical ailments and aggravation of existing ailments.

172.

Defendants thereby retaliated against Plaintiff for the exercise of his rights under Georgia Constitution and the First Amendment to the U.S. Constitution.

Fraud Incorporated in the Tenure Revocation Action

173.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

174.

Defendants conspired to bring claims against Benedek for tenure revocation  
Defendants knew to be false.

175.

Defendants never made any attempt to resolve the allegations against Benedek  
informally as required by Regents policy.

176.

In the course of the tenure revocation action Defendants denied that the  
cooperative agreement with ELTE existed and failed to produce it in discovery, despite  
a mutual agreement to produce all relevant documents, or pursuant to Open Records  
requests.

177.

Defendant Laster denied the existence of the agreement under oath at the tenure  
revocation hearing. Defendant Gatewood observed this testimony and testified herself  
under oath at the hearing and did not comment on this assertion by Laster.

178.

Plaintiff subsequently procured a copy of the UGA-ELTE Cooperative  
Agreement, whose existence was denied by Defendants, as well as correspondence  
from Defendant Gatewood concerning its renewal.

179.

In the tenure revocation action, Defendants accused Benedek of falsifying the transfer credit transcripts, despite the fact that ELTE confirmed their legitimacy.

180.

After ELTE confirmed the transcripts as its own, issued on proper authority, Defendants sought other evidence to support their contentions that credit should be denied for the program and that Benedek's tenure should be revoked, and offered that evidence in support of tenure revocation with knowledge of its falsity.

181.

The Silny report, procured through fraud by Defendant Fallows, was used as the basis of a tenure revocation charge against Benedek that he had falsified the ELTE transfer credit transcripts—which had already been confirmed and authenticated by ELTE as its own, as issued on proper authority pursuant to the UGA-ELTE Cooperative Agreement.

#### Pre-Charge Phase

182.

The tenure revocation process consisted of two phases. In the first, Benedek was required to appear before an informal screening panel of university professors appointed by President Adams.

183.

Upon information and belief, the presentation of allegations and evidence against Benedek was managed by the UGA Office of Legal Affairs, which reported directly to President Adams and acted on his behalf for all purposes in the tenure revocation process, and the Attorney General, representing UGA and the Board of Regents.

184.

At this point, no charges had been specified against Benedek. There was no identification of the specific policies Benedek was alleged to have violated, though tenure can be revoked only for specified violations of Regents' policy.

185.

Without knowledge of the charges against him, or the policies he was alleged to have violated, Benedek was required to appear before this screening committee without counsel present.

186.

The screening committee also questioned other witnesses, including Benedek's department heads, as directed by the Office of Legal Affairs and the Attorney General.

187.

Without distilling them to formal charges, Defendants used the evidence fraudulently manufactured against Benedek by Defendant Fallows in this initial proceeding.

188.

Defendants similarly distorted the testimony of other witnesses in an attempt to condemn Benedek and achieve the result of revoking his tenure.

189.

At this initial stage of the tenure revocation process, before the UGA screening panel, the UGA Office of Legal Affairs and Attorney General did not provide the screening panel with the information that ELTE had confirmed the authenticity and legitimacy of the transcripts that the Defendants were alleging to be false.

190.

The UGA Office of Legal Affairs and Attorney General also did not disclose to the screening panel that Fallows had illegally contacted the Silny agency, in violation of federal student privacy law, and misrepresented the student transcripts he sent them by commission and omission. For example, when Silny responded that it was unusual for ELTE transcripts to bear UGA course numbers, Fallows did not disclose to Silny that the program for which the transfer credit transcripts were being issued was developed at UGA and was part of the UGA curriculum, and was taught by a UGA professor. Instead, Fallows intentionally allowed Silny's notation of the seeming discrepancy of UGA course numbers on an ELTE transcript to stand without clarification.

191.

Defendants' submission to the panel of Fallows' false manufactured evidence that the transcripts did not come from ELTE, along with the omission of ELTE's own verification that it did issue the transcripts, were done together for the express purpose of misrepresenting the nature and origin of the transcripts to the screening panel.

192.

The UGA Office of Legal Affairs and Attorney General also did not disclose to the screening panel that Fallows had illegally contacted other credit evaluation agencies besides Silny who had reported back that the transfer credit transcripts from ELTE and other Benedek programs were perfectly in order.

193.

While there was no transcript of the screening panel proceeding, Dr. Gabriel Ruhumbika, co-head of the Department of Comparative Literature, vehemently protested that the panel's written report grossly misrepresented his testimony concerning Dr. Benedek.

194.

The panel concluded that tenure revocation was appropriate against Dr. Benedek for conflicts of interest related to the Maymester in Budapest and other study abroad programs, though panel member Randy Beck wrote that no conflict of interest as it is defined under Regents policy could be identified.

195.

This report by the panel was written before there were any formal written charges that Benedek had violated any specific Regent's policy.

196.

This report was based on misrepresentations, by commission and omission, to the panel by the Office of Legal Affairs and the Attorney General.

197.

This report misrepresented other evidence that was presented to the panel.

198.

Without any specific finding of a violation of Regents policy, the report misrepresented that Benedek's conduct merited revocation of his tenure.

199.

President Adams, with knowledge of the misrepresentations inherent in this report, accepted this recommendation and informed Benedek that his tenure would be revoked.

200.

The misrepresentations of the panel report were contained and endorsed in a letter sent by President Adams via U.S. mail.

201.

Adams' letter accepting the panel recommendation to revoke Benedek's tenure, based on the misrepresentations known to President Adams, was required by Regents

policy as part of the tenure revocation process. As such, it was a false report on a matter within the jurisdiction of the State of Georgia.

202.

Upon receiving the letter from Adams revoking his tenure, Benedek was entitled under Regents' policy to request a statement of written charges and an evidentiary hearing before another UGA committee.

203.

Benedek was forced to answer formal charges drafted by the Attorney General that he had falsified the Maymester in Budapest transcripts, and that he failed to inform students going on the 2009 program that they would not receive credit. Other conflict of interest charges stated that he had created programs for entities other than UGA at Huangshan and Jilin, and that he had destroyed UGA's relationship with Jilin University. He was accused of insubordination for failing to answer two specific letters requesting information on his alleged conflicts of interest, though Benedek did answer through his counsel that he had no conflicts to report.

204.

Defendants were in possession of documents and other information proving that these charges were false, and in the case of the Maymester charge Defendants actually fabricated evidence they knew to be false to support the charge, also known to be false, that Benedek faked the ELTE transcripts.

205.

The deceit and misrepresentation inherent in the proffering of charges known to be false and purportedly supported by evidence known to be falsified were done with the express purpose of causing injury to Plaintiff Benedek, including but not limited to the revocation of his tenure and dismissal as a professor from UGA.

206.

These deceitful actions were also taken with the malicious intent of defaming Benedek, injuring his reputation, and ruining the programs he developed.

207.

These intentional misrepresentations also caused Benedek to spend enormous time and resources to defend himself from these false charges and manufactured evidence.

208.

Defendants' fraudulent misrepresentations also caused Plaintiff severe emotional distress, irrespective of their adoption as charges in the tenure revocation action.

209.

Defendants conspired via tacit agreement and concerted action to cause injury to Plaintiff Benedek through these willful misrepresentations.

210.

Defendants thereby retaliated against Plaintiff for the exercise of his rights and participated in a fraudulent scheme intended to harm him in violation of OCGA §16-14-1 et seq (Georgia RICO).

The Hearing

211.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

212.

Prior to the hearing, contrary to an agreement to produce all relevant documents, the Attorney General withheld documents from Benedek's counsel that established the falsity of some of the charges to a certainty.

213.

The Attorney General included in its own exhibits documents that proved that other charges were false.

214.

The Attorney General presented evidence it knew to be manufactured by Noel Fallows—in the place of contrary competent evidence known to the Attorney General.

215.

The Attorney General knowingly presented perjured testimony at the hearing, and suborned perjury at the hearing.

216.

The UGA Office of Legal Affairs influenced UGA witnesses against Benedek by expressing its own bias in the matter.

217.

During the hearing Plaintiff made numerous Open Records requests for documents relevant to the proceedings, and these requests were not answered with responsive documents.

218.

At the hearing Plaintiff Benedek offered documentary evidence, with respect to each of the charges against him and each of the study abroad programs involved, that Defendants withheld exculpatory information in their control, proffered manufactured evidence and perjured testimony, and knowingly brought false charges against Plaintiff Benedek with the express intent to harm him.

Maymester in Budapest

219.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

220.

At the hearing Defendants offered in evidence the Silny report that Dean Noel Fallows illegally procured, by fraud, as described above.

221.

At the hearing Defendants argued, despite documents in their possession showing that students were complaining to the Office of International Education and the Dean's office about the denial of credit in January, that Benedek did not inform those same students of the denial of credit decision until April, as stated in the formal charge drafted by the Attorney General.

222.

In fact, these are the very student complaints that caused Defendants to falsely claim that the denial of credit was due to an exhaustive investigation of the program.

223.

Defendants Fallows, Shaw, Gatewood, Laster, and the Attorney General, on behalf of Defendant Adams, entered into an agreement, both tacit and explicit, to suppress the truth and to promulgate false charges against Benedek with respect to the Maymester in Budapest for the express purpose of harming Benedek.

224.

The Board of Regents directly participated in this agreement and conspiracy to proffer false charges and suppress exonerating evidence when it ignored the documented evidence of these actions when brought before it on appeal by Professor

Benedek. This was a continuation of the Regents prior secret agreement with the Attorney General and the individual UGA defendants to ignore the malfeasance brought to its attention in Professor Benedek's October 31, 2009 letter.

Jilin

225.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

226.

Benedek established a Chinese language program at Jilin University in China at the request of UGA Provost Arnett Mace.

227.

Benedek was subsequently ordered to cancel the program by UGA Dean Kavita Pandit and Defendant Judith Shaw.

228.

Benedek transmitted the written communication from Dean Pandit, copied to Defendant Shaw, to officials at Jilin.

229.

Only after UGA cancelled the program that had already been created at Mace's request, Benedek allowed another sponsor to take it over.

230.

Despite UGA's request that Benedek create the program and subsequent instruction that he abandon it, Defendants charged Plaintiff with a conflict of interest for using university resources to create a program for another entity.

231.

Though he passed along the UGA order to stop the Chinese language program to Jilin, Benedek was formally charged with destroying UGA's relationship with Jilin.

232.

Defendant Judith Shaw, knowing that she had taken part in ordering Benedek to terminate the study abroad program at Jilin, recommended that Benedek be referred to the Office of Legal Affairs for terminating the program—as ordered by her and Kavita Pandit—for action to be taken against Professor Benedek with respect to Jilin

233.

This was part and parcel to an agreement amongst Defendants to retaliate against Benedek for his protests against the Adams administration.

234.

Defendants withheld from Benedek's counsel the document in which Benedek was instructed to stop the program at Jilin, namely the email from Shaw and Pandit ordering him to terminate the study abroad program at Jilin that he was asked to create by Provost Mace.

235.

When Defendant Jane Gatewood was shown a copy of the document, procured by other means, at the tenure revocation hearing by Benedek's counsel, she acknowledged that the document exonerating Benedek of the charge was in Defendants' possession and had been reviewed by them in consultation with the Attorney General prior to the hearing—though it was never disclosed or produced to Plaintiff pursuant to the discovery agreement in place to produce all relevant documents.

236.

Upon information and belief, Defendants Shaw, Laster, and Gatewood were advised by Rebecca Mick of the Georgia Attorney General's office, upon discovery of the document exonerating Benedek, that they should proceed with the charge concerning Jilin, though it was known by all of them to be false, and that they would be protected by sovereign immunity under the Georgia Tort Claims Act for giving knowingly false testimony concerning Benedek's involvement with Jilin while withholding the exculpatory evidence.

237.

Defendants Shaw, Gatewood, Laster, and the Attorney General, on behalf of Adams, entered into an agreement, both tacit and explicit, to suppress the truth and to

promulgate false charges against Benedek with respect to Jilin for the express purpose of harming Benedek.

238.

The Board of Regents directly participated in this agreement and conspiracy when it ignored the documented evidence of these actions when brought before it on appeal by Professor Benedek. This was a continuation of the Regents prior agreement with the Attorney General and the individual UGA defendants to ignore the malfeasance brought to its attention in Professor Benedek's October 31, 2009 letter.

#### Huangshan

239.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

240.

The first Chinese language program created by Benedek, which was the model Provost Mace asked him to replicate at Jilin, was at Huangshan University.

241.

When Benedek first presented the idea for the program, teaching the UGA curriculum in China, to the UGA Office of International Education, he was told to proceed but that he needed to find an outside sponsor because UGA could not fund it.

242.

Benedek did in fact create the program at Huangshan through an external sponsor, teaching Chinese according to the UGA-approved Chinese language curriculum, but with the added benefit of the students being in China, receiving one on one instruction, and living with Chinese families in their homes.

243.

When the Office of International Education subsequently denied credit to UGA students in the program, Benedek protested with the hunger strike in front of President Adams' office.

244.

To end the hunger strike, Adams agreed that a UGA delegation including Provost Mace, Associate Provost Shaw, and Dean Fallows would visit Huangshan to evaluate the program.

245.

During that visit, Mace entered a written agreement with Benedek to end the program through the outside sponsor and make it a UGA program, and Mace instructed Shaw and Fallows to implement the agreement upon their return to UGA.

246.

Instead of doing that, Fallows upon his return wrote a memo denigrating the program and recommending against awarding credit. This memo was circulated to

various UGA officials with responsibility in such matters—which Fallows falsely denied under oath at the hearing, saying they were notes to himself.

247.

Shaw persisted in the denial of credit, and contrary to the agreement entered by Mace the program was never adopted by UGA.

248.

The Attorney General cited Benedek’s protests of these actions among the reasons for bringing a tenure revocation action against him.

249.

Despite Benedek’s creation of the program through an outside sponsor according to the instruction he received from UGA, and despite his agreement to make it a UGA program—and UGA’s subsequent renegeing on that agreement—Benedek was charged with conflict of interest for creating a program for an sponsoring entity other than UGA.

250.

Shaw, Fallows, and the Attorney General, on behalf of Adams, entered into an agreement to suppress the truth and to promulgate false charges against Benedek with respect to Huangshan. Fallows even impersonated UGA students and submitted their transcripts in violation of federal law in an attempt to gather harmful information to use against Benedek with respect to Huangshan as he did for ELTE, but was unsuccessful

in the attempt to manufacture false, misleading evidence with respect to Huangshan.

Defendants proceeded with the false charges anyway

251.

Defendants knowingly proceeded with the charge despite this lack of even apparent evidence, again entering into an agreement amongst themselves to bring false charges and provide misleading testimony.

252.

The Board of Regents directly participated in this agreement and conspiracy when it ignored the documented evidence of these actions when brought before it on appeal by Professor Benedek on November 16, 2010. This was a continuation of the Regents prior secret agreement with the Attorney General and the individual UGA defendants to ignore the malfeasance brought to its attention in Professor Benedek's October 31, 2009 letter.

#### Committee Findings and Subsequent Action

253.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

254.

After months of deliberation, the Committee concluded in written findings that Benedek should keep his tenure as the evidence did not support the charges of wrongdoing or conflict of interest against him.

255.

The Committee also found, however, that he was insubordinate for failing to respond and provide information on his alleged conflicts of interest.

256.

This conclusion illogically ignored Benedek's actual response to the inquiry that he had no conflicts to report, and the subsequent finding by the committee itself that there were no conflicts to report, clearing him of those charges.

257.

Based on this illogical and suspect finding of insubordination, the Committee recommended, and President Adams accepted and instituted, a denial of credit and HOPE funding for Benedek's programs, his demotion as head of the Asian Language Program, and a ban on authorized travel to conduct his work in Asian and European languages, literatures and mythologies.

258.

This effectively destroyed Benedek's study abroad programs and his research and scholarship.

259.

This action was based on purely pretextual findings consistent with the conspiracy amongst the Defendants to retaliate against Benedek for the exercise of his right to protest the actions of the Adams administration, and constitutes action to harm Benedek in furtherance of that conspiracy.

Appeal to Board of Regents

260.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

261.

Benedek appealed to the Board of Regents protesting the finding of insubordination based on the failure to report conflicts of interest that were found by the same hearing committee not to exist—and despite the fact that Benedek had answered, through his counsel, the two letters he was specifically accused of not answering, to state that he was not aware of any conflict of interest.

262.

Benedek included in that appeal to the Regents the injury he suffered from Defendants' misconduct, documenting improper withholding of exculpatory documents, defamation, manufacture of evidence, and bringing of charges known to be

false to injure Professor Benedek, as well other illegal uses of that known false information for the express purpose of injuring Plaintiff.

263.

In particular, in this appeal to the Regents, Benedek produced the UGA-ELTE Cooperative Agreement--signed by Defendant Michael Adams and transmitted with a cover letter by Defendant Gatewood--that these Defendants had denied in order to bring charges against Benedek that he had falsified the ELTE transfer credit transcripts.

264.

The Regents did not investigate or hold a hearing on the evidence. Without commenting on the documentary evidence supplied by Benedek, they issued a letter on February 16, 2011 stating without comment, explanation or discussion—and without weighing the extensive documentary evidence and sworn testimony provided in support of the appeal--that the Board was upholding the actions of UGA.

265.

Thus the Regents came full circle, continuing the pattern of aiding and abetting the retaliation against Plaintiff that it secretly began when the Regents took no action on the allegations in Benedek's letter of October 31, 2009.

266.

The February 16, 2011 letter from the Regents constituted an act in furtherance of the same conspiracy previously entered by Defendants.

267.

The dismissal of Plaintiff's appeal--without so much as a comment on the extensive documentation of the acts of retaliation against Benedek by UGA, the perjured testimony by UGA witnesses, the spoliation of evidence, and the manufacture of false charges supported by fabricated evidence--was the first time that Plaintiff could reasonably infer that the Board of Regents itself was overtly part of a conspiracy to retaliate against Professor Benedek manifested in the illicit acts of the UGA Defendants.

268.

Plaintiff incurred considerable unnecessary trouble and expense, including but not limited to attorneys fees, caused by the deceitful acts of Defendants intended to harm him.

Post-appeal retaliation

269.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

270.

Subsequent to the dismissal of the appeal on February 16, 2011, Defendants once again imposed the travel ban and demotion according to the instructions of Michael Adams.

271.

Defendants also imposed the sanction of denial of credit for all of Benedek's study abroad programs, regardless of their academic value. In fact, credit was denied despite the fact that no fault was found with the quality of these programs after a year-long tenure revocation proceeding and that all charges in connection with these programs were dismissed.

272.

Defendants have continued the harassment and retaliation against Benedek, in addition to interference with his research, scholarship, and travel for those purposes, and the denial of credit, including denial of an EFT adjustment for a major publication on the language and culture of the Roma tribes which constitutes the only documentation of generations of rapidly-disappearing folklore. The EFT denial occurred after the Board of Regents letter dismissing the appeal on February 16, 2011, and occurred under the authority and direct supervision of Defendant Fallows.

273.

The Attorney General continues to oppose the rightful claims of Professor Benedek against the Board of Regents and the individual UGA Defendants, consistent

with the agreement entered amongst the Defendants not to respond to Benedek's letter of October 31, 2009, and thereby continues to act in furtherance of that conspiracy to injure Plaintiff.

#### Interference with Marriage

274.

Plaintiff was married to Ann Benedek at the time the tenure revocation charges were brought against him, and mutually benefitted from the companionship, support and affection, society and services of the marriage.

275.

The stress caused by the false charges knowingly and maliciously brought against Professor Benedek in retaliation for his criticisms of President Michael Adams and his administration, and the threat to Benedek's career and livelihood, caused enormous stress to both Dezso and Ann Benedek. Both developed medical conditions that required treatment, and suffered the exacerbation of existing physical conditions.

276.

Both Dezso and Ann Benedek required continuing psychological counseling to cope with the trauma.

277.

Plaintiff Dezso Benedek suffered from the injuries done to his wife, Ann Benedek, by and through the Defendants' wanton and malicious attacks on her husband.

278.

Plaintiff Ann Benedek suffered from the injuries done to her husband, Dezso Benedek, by and through the Defendants' wanton and malicious attacks on her husband.

279.

After the tenure revocation proceedings, as well as the fraud, defamation, tortious interference, retaliation, and intentional infliction of emotional distress perpetrated against terminated without any redress for the wrongs perpetrated against Professor Benedek, the marriage was destroyed.

280.

Dezso and Ann Benedek remain legally married but separated, without enjoying the previous society, services, support, companionship, and affection of the marriage. This separation occurred in May of 2011, three months after the Board of Regents dismissal without comment of Professor Benedek's appeal and submission of documented evidence of wrongdoing by President Michael Adams and his administration at UGA.

Retaliatory Motive

281.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

282.

In all claims herein, Defendants acted with the motive of retaliating against Dr. Benedek for his protests of the Adams administration and other expressions of his opinion on matters of public importance.

283.

Defendants' conduct was reckless and callously indifferent, was motivated by malice, and actually caused physical harm to Plaintiffs.

**CLAIMS**

GEORGIA RICO

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

284.

Defendants' systematic and concerted attempts to harm Plaintiffs and their economic interests with the intent and common purpose to eliminate Dr. Benedek's programs and destroy his career constitute an enterprise under OCGA § 16-14-3(6).

285.

Defendants engaged in a pattern of racketeering activity through more than two acts in furtherance of a scheme with similar intents, results, accomplices, victims, and methods of commission, with the last act within four years of another such act pursuant to OCGA § 16-14-3(8).

286.

Defendants committed predicate acts of racketeering activity under OCGA § 16-14-3(9)(A) by committing acts indictable under the following criminal statutes and RICO subsections:

OCGA § 16-10-94, tampering with evidence. OCGA § 16-14-3(9)(A)(xvi).

OCGA § 16-10-20, false report to state. OCGA § 16-14-3(9)(A)(xv).

OCGA § 16-10-70, perjury. OCGA § 16-14-3(9)(A)(xv)

OCGA § 16-10-72, subornation of perjury. OCGA § 16-14-3(9)(A)(xv)

18 USC § 1961 & 1341, mail fraud. OCGA § 16-14-3(9)(A)(xxix)

18 USC § 1961 & 1343, wire fraud. OCGA § 16-14-3(9)(A)(xxix)

***Evidence tampering***

Defendants acted with the intent to cause a wrongful apprehension and obstruct Dr. Benedek's ability to defend himself in the following predicate acts of evidence tampering:

287.

Defendant Fallows ignored the verification of the ELTE transcripts and attempted to falsify evidence to create a misleading impression that the transcripts were not valid.

288.

For that purpose he illegally sent the ELTE transfer credit transcripts to outside agencies seeking negative comments.

289.

The UGA Office of Legal Affairs and Attorney General presented the negative references fraudulently obtained from Silny to the screening panel in order to obtain a recommendation of tenure revocation on false pretenses.

290.

The UGA Office of Legal Affairs and Attorney General concealed from the screening committee the verification of the transcripts by ELTE, and the existence of the UGA-ELTE Cooperative Agreement in order to obtain a recommendation of tenure revocation on false pretenses.

291.

The UGA Office of Legal Affairs and Attorney General concealed from the screening committee the fact that three agencies differed from Silny's finding that the transcripts were suspect and instead recommended that credit be awarded.

292.

Defendants including but not limited to Jane Gatewood and Michael Adams concealed the existence of the UGA-ELTE Cooperative Agreement.

293.

Defendant Laster denied the existence of the UGA-ELTE Cooperative Agreement under oath at the tenure hearing.

294.

With knowledge of the fraud in obtaining the Silny report, the Attorney General quoted its misrepresentation in stating formal charges against Benedek in the tenure hearing with the intent of destroying his programs and career.

295.

Defendants including but not limited to Jane Gatewood, Judy Shaw, and the Attorney General concealed the existence of the memo from Shaw and Dean Kavita Pandit ordering Benedek to terminate the study abroad program at Jilin.

296.

With knowledge of the Jilin memo, and thus the falsity of the charge, the Attorney General stated a formal charge against Benedek for destroying the Jilin program in the tenure hearing with the intent of destroying his programs and career.

297.

Upon information and belief, the documentation of the falsification of charges and fabrication of charges was concealed from members of the Board of Regents prior to the Regents dismissing without comment Dr. Benedek's appeal, which included extensive documentation of the wrongdoing in this matter.

***False Report to State***

298.

Defendants made false reports on a matter within the jurisdiction of a state agency when they falsely advised UGA students that credit was denied for Professor Benedek's programs based on an "exhaustive" investigation.

299.

Defendants made false reports on a matter within the jurisdiction of a state agency when they made false and misleading reports to the initial tenure screening panel.

300.

Defendants made false reports on a matter within the jurisdiction of a state agency when they issued the report of the tenure screening panel.

301.

Defendants made false reports on a matter within the jurisdiction of a state agency when they knowingly submitted a false written statement of charges against Dr. Benedek, transmitted both electronically and by U.S. mail.

302.

Defendants made false reports on a matter within the jurisdiction of a state agency they issued a tenure committee finding that Benedek, though cleared off all charges of conflict of interest, was guilty of insubordination for failing to report his conflicts of interest.

303.

Defendant Adams made false reports on a matter within the jurisdiction of a state agency each and every time he endorsed and made findings, by letter transmitted through the U.S. mail, based on the fraudulent proceedings and inuring to the detriment of Benedek.

304.

Defendant Board of Regents made false reports on a matter within the jurisdiction of a state agency when it, by letter of February 16, 2011, transmitted through the U.S. mail, endorsed the findings of these fraudulent proceedings, ignoring

the evidence in the form of authenticated documents and sworn testimony presented to it by Benedek.

*Perjury*

305.

Defendant Fallows committed perjury when he testified under oath that he did not circulate a memo impugning the Huangshan program.

306.

This was a material issue regarding the intent of the Defendants in maintaining this scheme of misrepresentations in order to injure Benedek—as the memo Fallows denied circulating was contrary to the agreement between Benedek and Mace and the instructions from Mace to adopt Huangshan as a UGA program.

307.

Fallows claimed on the stand that the document represented “notes to myself” that were never circulated to third parties. However, the document was widely circulated by Fallows on campus as part of the campaign to injure Benedek’s career and programs.

308.

Fallows also committed perjury when he testified in support of the charge that Dr. Benedek falsified the ELTE transfer credit transcripts with actual knowledge that

ELTE had verified the transcripts at the highest level of the university, and that Fallows himself had engaged in artifice and withheld information in order to obtain the negative reference from Silny, upon which the charge was based without any other evidence whatsoever.

***Subornation of perjury***

309.

The Attorney General suborned perjury when it brought UGA witnesses to testify under oath at the tenure hearing in support of the charge, known to be false according to documents concealed by Defendants, that Dr. Benedek destroyed UGA's program at Jilin.

310.

The Attorney General suborned perjury when it brought Noel Fallows to the stand to testify in support of the charge that the ELTE transcripts were falsified by Dr. Benedek, with knowledge of ELTE's verification of the transcripts, basing Fallows' testimony on the Silny report, with knowledge of the artifice and misrepresentation by which this manufactured evidence was obtained.

***Mail and wire fraud***

311.

Defendants violated U.S. mail and wire fraud statutes, and the Georgia RICO Act, each and every time they made a misrepresentation via phone call, electronic mail, or U.S. mail to harm Professor Benedek in furtherance of this fraudulent scheme and conspiracy.

312.

These violations include, without limitation, emails and letters sent impersonating UGA students in order to create false and misleading evidence that Benedek falsified transfer credit transcripts, emails and letters sent in furtherance of the fraudulent tenure revocation proceedings and its conclusions, emails and letters sent to reprimand or punish Benedek on the basis of the falsified evidence, both within and independently of the tenure revocation proceedings.

### *Enterprise*

Defendants maintained control of the enterprise through this pattern of racketeering activity. OCGA § 16-14-4(a).

313.

Persons employed by or associated with Defendants participated in the scheme and maintained and controlled the enterprise for the purpose of harming the economic interests of Plaintiffs. OCGA § 16-14-4(b).

314.

Defendants conspired to participate in the scheme and maintain and control the enterprise for the purpose of harming the economic interests of Plaintiffs.

315.

Defendants thereby engaged in a pattern of racketeering activity, committing acts with similar intent and with similar victims, in furtherance of the scheme.

316.

Plaintiffs are aggrieved by the conduct of the enterprise and scheme and are thereby entitled to treble damages, attorney fees and costs of investigation and litigation from 2009 to the present. OCGA § 16-14-6(b).

317.

Defendants' actions in maintaining this scheme and engaging in this pattern of unlawful activity showed willful misconduct, malice, fraud, wantonness, oppression, and want of care that indicate conscious indifference to the consequences. Defendants acted with the specific intent to cause harm to Plaintiff, entitling Plaintiff to an award of punitive damages under OCGA 51-12-5.1 and OCGA § 16-14-6(b).

#### Violation of Open Records Act

318.

Plaintiff hereby incorporates and re-alleges the preceding paragraphs as if set forth fully herein.

319.

Plaintiff requested documents under the Georgia Open Records Act, OCGA § 15-18-70 et seq., which would have proven without limitation that the denial of credit and all other actions taken in retaliation against him were pretextual, and in particular that the credits and transcripts for the Maymester in Budapest were issued under the cooperative agreement between ELTE and UGA, contrary to the fabricated charges and evidence that depended on the absence of these documents.

320.

Defendants violated the Open Records Act by failing to produce these documents.

321.

Defendants compounded this offense by denying the existence of certain of these documents at the hearing.

322.

The documents are University records in Defendants' custody and control.

323.

Plaintiff has independently discovered some of the documents Defendants failed to produce.

These wrongful actions were taken against Plaintiff in part in retaliation for his protest of the Adams administration.

324.

Defendants are charged with producing all documents withheld contrary to Open Records requests, and for all attorney fees and other remedies under the statute.

325.

Defendants are also liable for all resulting violations of Plaintiff's rights under OCGA§16-14-1 et seq., as these acts in violation of the Open Records Act were undertaken in furtherance of a fraudulent scheme to harm Plaintiffs.

#### Spoliation of Evidence

326.

Plaintiff hereby incorporates and re-allege the preceding paragraphs as if set forth fully herein.

327.

Defendants have wrongfully failed to preserve or caused the destruction of evidence relevant to the tenure revocation proceedings.

328.

These wrongful acts were done in order to procure an unjust result and otherwise harm Plaintiff Benedek.

329.

In particular, despite an agreement to produce all relevant documents, Defendants did not produce to Plaintiff the document in their possession showing that Benedek was ordered by UGA to terminate the Jilin program—for which he was publicly charged with improper conduct and faced with tenure revocation, for following orders.

330.

Other evidence exonerating Benedek from the false charges that was wrongfully “disappeared” includes without limitation the cooperative agreement between UGA and ELTE under which ELTE offered transfer credit for the coursework developed at UGA and taught by a UGA professor—the very arrangement noted by Silny in the transfer credit transcripts, and for which Benedek was accused of academic fraud and falsification of the transcripts, otherwise defamed, and faced with tenure revocation.

331.

Missing documents in Defendants custody and control also include without limitation transmittal correspondence from Jane Gatewood concerning renewal of the UGA-ELTE cooperative agreement.

332.

The existence of these ELTE-related documents was denied under oath by Clifton Pannell, Kasee Laster, Noel Fallows, Judith Shaw, and Jane Gatewood.

333.

Defendants agreed amongst themselves to bear false witness against Professor Benedek in the absence of this evidence subjected to spoliation.

334.

Defendants are also liable for all resulting violations of Plaintiff's rights under OCGA§16-14-1 et seq., as these acts were undertaken in furtherance of a fraudulent scheme to harm Plaintiffs.

#### Fraud

335.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

336.

Defendants committed fraud by concocting a story--intended to damage Plaintiff--that the Maymester in Budapest program and the transcripts upon which UGA had awarded credit to its students for almost a decade were not legitimate.

337.

Defendants compounded this fraud by willfully ignoring all evidence contradicting their unsupported story, including the witness of ELTE itself as the issuer

of the transfer credit transcripts and UGA students who previously participated and received credit for the program—and suppressing and downplaying this evidence for purposes of taking action to kill his non-UGA programs and otherwise injure Plaintiff.

338.

Defendants committed fraud in the manufacture of false and misleading evidence through misuse of student information and manipulation of the results of the Silny inquiry.

339.

Defendants committed fraud and portrayed Plaintiff in a false light by withholding documents contradicting the false charges levied against him.

340.

Defendants committed fraud, deceit and misrepresentation by allowing these proceedings to occur and punishments to be levied against Plaintiff based on charges known to be false and evidence known to be manufactured, while withholding and suppressing evidence that exonerated him.

341.

Defendants committed fraud by concocting these false stories and suppressing the truth for the purpose of defaming Plaintiff, destroying his non-UGA programs, and ruining his career—both as part and parcel and independent of the attempt to revoke his tenure on these spurious grounds.

342.

Defendants are also liable for all resulting violations of Plaintiff's rights under OCGA§16-14-1 et seq., as these acts were undertaken in furtherance of a fraudulent scheme to harm Plaintiffs.

Abuse of process

343.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

344.

In causing these tenure revocation proceedings to ensue based on charges known to be false and evidence known to be fabricated, Defendants Adams, Fallows, Shaw, Laster, Gatewood, and the Attorney General abused the procedures.

345.

Defendants attempted to manipulate the results of these proceedings with the intent to injure Plaintiff.

346.

Defendants are also liable for all resulting violations of Plaintiff's rights under OCGA§16-14-1 et seq., as these acts were undertaken in furtherance of a fraudulent scheme to harm Plaintiffs.

### Defamation

347.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

348.

Defendants Adams, Fallows, Shaw, Laster, and Gatewood defamed Plaintiff through both libel and slander by falsely informing other universities that Benedek's programs were poor in quality and falsely stating that this conclusion was based on an actual investigation of the programs.

349.

Defendants defamed Plaintiff through widespread publication of the knowingly false charges against him, transmitted online around the globe.

350.

Defendants are also liable for this defamation in retaliation for Plaintiff's protected speech under OCGA§16-14-1 et seq., as these acts were undertaken in furtherance of a fraudulent scheme to harm Plaintiffs.

### Tortious Interference

351.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

352.

The individual Defendants' actions interfered with Plaintiffs' ongoing professional relationships with the foreign universities at which he conducted his study abroad programs.

353.

Plaintiff Benedek was damaged by this interference with his business relations.

354.

Defendants are liable for all resulting violations of Plaintiff's rights under OCGA§16-14-1 et seq., as these acts were undertaken in furtherance of a fraudulent scheme to harm Plaintiffs.

#### Retaliation

355.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

356.

Defendants improperly retaliated against Plaintiff in the workplace, causing his demotion, loss of travel authorization and EFT, and other harms.

357.

Defendants are liable for all resulting violations of Plaintiff's rights under OCGA§16-14-1 et seq., as these acts were undertaken in furtherance of a fraudulent scheme to harm Plaintiffs.

Intentional Infliction of Emotional Distress

358.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

359.

Defendants' intentional actions in retaliating against Plaintiff, by taking action to deny credit under any available pretext, destroy his programs and injure his career and reputation, manufacturing false evidence against him and charging him with offenses known by Defendants to be false, caused Plaintiff severe hardship, forcing him to defend his livelihood at great sacrifice of time and expense against tenure revocation proceedings for which Defendants knew there was no legitimate basis beyond their retaliatory motives.

360.

This duress is of the kind that could reasonably be foreseen to cause Plaintiff severe emotional distress.

361.

Defendants continued to cause Plaintiff emotional distress through their continuing acts in furtherance of the conspiracy to retaliate against him, including ignoring his documented allegations on appeal to the Board of Regents in 2011 and the denial of his EFT for publication in 2012.

362.

Defendants' acts in this regard were wanton and malicious.

363.

Defendants are also liable for all resulting violations of Plaintiff's rights under OCGA§16-14-1 et seq., as these acts were undertaken in furtherance of a fraudulent scheme to harm Plaintiffs.

#### Loss of Consortium

364.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

365.

The duress and emotional distress caused by Defendants malfeasance caused both Plaintiff Dezso Benedek and his wife Plaintiff Ann Benedek to suffer from both severe physical and mental ailments.

366.

These mental and physical harms brought on by Defendants' egregious wrongdoing caused Plaintiff to suffer a loss of consortium, for which Defendants are liable for damages.

367.

The loss of consortium was caused by the retaliation, fraud, spoliation of evidence, defamation, tortious interference, and intentional infliction of emotional distress—and the conspiracy to commit these acts, which were specifically directed at Plaintiff Dezso Benedek, causing injury to his person, but also was the proximate cause of injury to the person of his wife, Plaintiff Ann Benedek--in retaliation for Professor Benedek's exercise of his rights.

368.

Defendants are also liable for all resulting violations of Plaintiff's rights under OCGA§16-14-1 et seq., as these acts were undertaken in furtherance of a fraudulent scheme to harm Plaintiffs.

### Conspiracy

369.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

370.

Defendants agreed amongst each other to commit the frauds and retaliation outlined in this case, including the related actions of pretextual denial of credit and other attempts to destroy Professor Benedek's programs and injure his career and reputation, the failure to investigate the claims of Professor Benedek, the manufacture of false evidence, the bringing of charges known to be false against Plaintiff, and the dismissal of Plaintiff's appeal without regard to the documentation of the wrongs committed against him in sworn testimony and authenticated exhibits during the tenure revocation hearing.

371.

Defendants conspired in the spoliation of evidence, fraud, abuse of process, defamation, tortious interference, workplace retaliation, intentional infliction of emotional distress and loss of consortium, and violation of Plaintiff's rights of expression on matters of public importance.

372.

According to information discovered by Plaintiff after the filing of the Amended Complaint in U.S. District Court, in April of 2013, Defendants entered an explicit agreement in furtherance of the conspiracy to withhold exculpatory evidence and to make charges known to be false against Professor Benedek--both as part and parcel and independently of the tenure revocation proceedings--based on evidence known to

be false and misleading, in reliance on the very State immunity now proffered by the Attorney General, a co-conspirator, as grounds for dismissal. These actions harmed Benedek both within the tenure revocation action itself and independently of it

373.

The conspiracy as a whole was undertaken in part to deprive Plaintiff of his rights and retaliate for his protests.

374.

Defendants are also liable for all resulting violations of Plaintiff's rights as part of this conspiracy under OCGA§16-14-1 et seq., as these acts were undertaken in furtherance of a fraudulent scheme to harm Plaintiffs.

#### RICO Prerequisites

375.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

376.

Defendants committed in excess of three related acts occurring within four years of each other that constitute a pattern of predicate acts under the RICO statute in furtherance of the fraudulent scheme to harm Plaintiffs and their economic interests. These acts include, without limitation, acts of mail fraud, wire fraud, obstruction of

justice, influencing witnesses, tampering with evidence, and perjury that have occurred within the last four years.

377.

In particular, Defendant Fallows committed mail fraud under 18 USC § 1341 when he sent student transcripts and personal identifying information, without their permission or consent in violation of 20 USC § 1232g (FERPA), to four different credit evaluation agencies in furtherance of a scheme to misrepresent the actions of Plaintiff by knowingly creating a false impression that Plaintiff falsified transfer credit transcripts from Huangshan and ELTE, in order to harm Plaintiff's economic interests.

378.

Fallows committed wire fraud under 18 USC § 1343 in furtherance of this fraudulent scheme when he emailed Silny to instruct the agency not to investigate further because he had the misleading answer he wanted about the ELTE transcripts in order the further the fraudulent scheme against Plaintiffs and harm them and their economic interests.

379.

Defendants Fallows, Shaw, Gatewood, and Laster committed mail and wire fraud when they falsely informed Notre Dame University that it should not participate in Plaintiff's study abroad programs because an investigation had found them to "lack

academic merit” in furtherance of the scheme to harm Plaintiffs and their economic interests through a pattern of such misrepresentations.

380.

Defendant Fallows committed perjury under 18 USC § 1621 when he misrepresented his actions and motivations under oath at the tenure revocation hearing, in furtherance of the same scheme to harm Plaintiffs and their economic interests by inter alia, falsely swearing that he never circulated a derogatory memo about the Huangshan program after he was directed by the Provost to implement it as a UGA program.

381.

Defendant Michael Adams committed mail fraud when he issued letters furthering the retaliatory misrepresentations of this scheme to harm Plaintiffs and their economic interests.

382.

Defendant Board of Regents committed mail fraud when it issued its letter of February 16, 2011 furthering the retaliatory misrepresentations of this scheme to harm Plaintiffs and their economic interests.

383.

All these acts form a pattern of related activity for the purpose of furthering the enterprise of retaliation against Plaintiffs to harm them and their economic interests.

384.

The same allegations constitute a pattern of at least three related predicate acts under OCGA 16-14-1, with the last one occurring within the last five years.

385.

All these acts form a pattern of related activity for the purpose of furthering the enterprise of retaliation against Plaintiffs to harm them and their economic interests.

Attorney Fees

386.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

387.

As part of the fraud and retaliation described herein, in violation of the Georgia RICO statute and otherwise, Defendants acted in bad faith, were stubbornly litigious, and caused Plaintiff unnecessary trouble and expense.

388.

Therefore, Defendants are liable to pay Plaintiff's attorney fees and other costs of litigation under OCGA § 13-6-11 and treble all attorney fees, litigation costs and costs of investigation under the Georgia RICO statute.

Punitive Damages

389.

Plaintiff hereby incorporates and re-allege the preceding paragraphs as if set forth fully herein.

390.

Defendants' actions showed willful misconduct, malice, fraud, wantonness, oppression, and want of care that indicate conscious indifference to the consequences.

391.

The fraudulent misrepresentation, publication of defamatory statements, and false proceedings brought against Professor Benedek also breached the higher duty of those charged with keeping the public trust.

392.

Individual Defendants acted in part with the intent to retaliate against Plaintiff for the exercise of his constitutional rights in violation of OCGA §16-14-1 et seq, as these acts were undertaken in furtherance of a fraudulent scheme to harm Plaintiffs.

393.

Defendants acted with the specific intent to cause harm to Plaintiff, entitling Plaintiff to an award of punitive damages under OCGA 51-12-5.1.

394.

The award of damages may be trebled pursuant to the RICO statute.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests the following relief:

- a. Trial by jury;
- b. Judgment for plaintiff against Defendants in an amount to be determined by a jury after trial of the issues;
- c. Compensatory damages for Plaintiff;
- d. Treble damages under the RICO statutes;
- e. Punitive damages
- f. An award of litigation expenses and attorney fees, including all costs of investigation trebled under the RICO statutes; and,
- g. Any other relief the Court deems just and proper.

Respectfully submitted this 5th day of December, 2013.

STEPHEN F. HUMPHREYS, P.C.

/s/ Stephen F. Humphreys

---

STEPHEN F. HUMPHREYS  
Georgia Bar No. 378099

P.O. Box 192  
Athens, GA 30603  
1671 Meriweather Drive  
Bogart, GA 30622

(706) 543-7777 p  
(706) 543-1844 f  
(706) 207-6982 m

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that all Defendants in the original Complaint have been served this document pursuant to the Fulton State Court electronic filing system, and that Defendants Noel Fallows, Judith Shaw, Kasee Laster and Jane Gatewood shall be served a copy of this Amended Complaint pursuant to the Rules of Civil Procedure, this 5th day of December, 2013.

STEPHEN F. HUMPHREYS, P.C.

/s/ Stephen F. Humphreys

---

STEPHEN F. HUMPHREYS  
Georgia Bar No. 378099

.O. Box 192  
Athens, GA 30603  
1671 Meriweather Drive  
Bogart, GA 30622  
(706) 543-7777 p  
(706) 543-1844 f  
(706) 207-6982 m