

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

JIN LI,
Plaintiff

v.

C.A. No. 11-073ML

BROWN UNIVERSITY IN PROVIDENCE
IN THE STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
Defendant

ANSWER OF DEFENDANT
BROWN UNIVERSITY
TO PLAINTIFF'S COMPLAINT

The Defendant, Brown University ("Brown"), by its counsel, answers the Plaintiffs' Complaint as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted, except Brown denies that the amount in controversy, exclusive of interest and costs, exceeds \$75,000.
5. Admitted.
6. Denied.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. Admitted. Brown avers that it has a Multiple Project Assurance agreement with the federal government under which Brown agrees that all human subject research, regardless of sponsor, is subject to the review process detailed in the Code of Federal Regulations 45 CFR 46.
12. Denied since the regulations in a footnote to 45 CFR §46.101 that the testing and survey exemption does not apply to research with children.

13. Brown denies that the Plaintiff's investigation was not subject to Institutional Review Board (IRB) review and approval. Brown admits that Plaintiff's study was reviewed by the IRB.
14. Admitted.
15. Brown admits that the Plaintiff created two classes of study participants, one group receiving \$300 and the other \$600, and had both groups sign consent forms. Brown has no knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 15 and leaves Plaintiff to her proof.
16. Brown admits that the budgets submitted were used to disburse grant funds awarded to Brown.
17. Admitted.
18. Admitted. Brown avers that the IRB gave Plaintiff the opportunity to justify the payment differential and Plaintiff did not do so to the IRB's satisfaction.
19. Denied.

COUNT I

20. Denied.
21. Denied.

WHEREFORE, Brown prays that this Court enter a Final Judgment in its favor and with prejudice to the Plaintiff as to Count I of the Complaint, award attorney's fees and costs to Brown, and grant such other relief to Brown as just and proper.

COUNT II

22. Denied.
23. Denied.

WHEREFORE, Brown prays that this Court enter a Final Judgment in its favor and with prejudice to the Plaintiff as to Count II of the Complaint, award attorney's fees and costs to Brown, and grant such other relief to Brown as just and proper.

COUNT III

24. Denied.

25. Denied.

WHEREFORE, Brown prays that this Court enter a Final Judgment in its favor and with prejudice to the Plaintiff as to Count III of the Complaint, award attorney's fees and costs to Brown, and grant such other relief to Brown as just and proper.

COUNT IV

26. Denied.

27. Denied.

28. Denied.

WHEREFORE, Brown prays that this Court enter a Final Judgment in its favor and with prejudice to the Plaintiff as to Count IV of the Complaint, award attorney's fees and costs to Brown, and grant such other relief to Brown as just and proper.

COUNT V

29. Denied.

30. Denied.

WHEREFORE, Brown prays that this Court enter a Final Judgment in its favor and with prejudice to the Plaintiff as to Count V of the Complaint, award attorney's fees and costs to Brown, and grant such other relief to Brown as just and proper.

BROWN'S AFFIRMATIVE DEFENSES

Having fully answered the Complaint, Brown, for its defenses, states as follows:

First Affirmative Defense

Plaintiff fails to state a claim upon which relief may be granted.

WHEREFORE, Brown prays that this Court enter a Final Judgment in its favor and with prejudice to the Plaintiff as to all counts pled in the Complaint, award attorney's fees and costs to Brown, and grant such other relief to Brown as just and proper.

JURY TRIAL DEMAND

Brown demands a jury trial to adjudicate all claims and defenses in this litigation that are so triable.

BROWN UNIVERSITY
By Its Attorneys,

James M. Green (#3590)
Deputy Counsel
Brown University
110 South Main Street
Providence, RI 02903
(401) 863-9400
(401) 863-1199 (Fax)
jmgreen@brown.edu

CERTIFICATE OF SERVICE

I certify that, on April _____, 2011, this document was filed through the Court's CM/ECF system and served electronically upon the following counsel of record:

Kathleen M. Hagerty (#4647) 70 Jefferson Boulevard Warwick, RI 02888 khagerty2@cox.net	Thomas M. Dickinson (#2520) 1312 Atwood Avenue Johnston, RI 02919 tmd@appealri.com
---	---
