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## Judge Skeptical Of Claim USC Dean Ignored 'VIP' Donations

By **Aaron Leibowitz**

Law360, Boston (September 18, 2019, 8:17 PM EDT) -- A Boston federal magistrate on Wednesday pressed the University of Southern California about its dean of admissions' claim that he didn't care about donor information when weighing student applications, saying a parent charged in the so-called "Varsity Blues" case may be entitled to additional records about the school's system of designating applicants as "VIPs."

At oral arguments on USC's motion to quash a subpoena by indicted parent Robert Zangrillo, U.S. Magistrate Judge M. Page Kelley wondered how USC Dean of Admission Tim Brunold could claim that he doesn't factor in donations by the families of VIP applicants, given that a university athletics official consistently highlighted those donations in charts she shared with Brunold.

"He just wants the person's name? He doesn't care why they're being entered in this list?" Judge Kelley asked an attorney for USC, responding to assertions Brunold made in a sworn declaration last Friday.

USC's attorney Douglas Fuchs of Gibson Dunn responded that Brunold didn't factor the donor information into admissions decisions and instructed staff to do the same. But Judge Kelley noted that data suggests VIP applicants were often tagged because of family donations and were admitted at higher rates than other applicants.

"If that's why they were tagged, then he must have valued it," the judge said.

Earlier this month, emails included in a filing by Zangrillo lifted the curtain on some of **USC's admissions practices**, including a system of so-called "special interest" or VIP tags that appear to give certain applicants a leg up. From at least 2012 to 2015, former USC associate athletic director Donna Heinel — one of 52 people charged in the government's **nationwide case** — emailed lists of special interest athletic recruits to Brunold, including notes such as "Potential donor" and "\$3 mil to men's golf."

Zangrillo's attorneys are seeking an order for USC to turn over more recent versions of these charts, as well as documents related to the VIP process and donations across the university — not just in the athletics department.

In justifying the requests, Zangrillo's attorney, Martin G. Weinberg, has suggested Zangrillo's \$50,000 payments to USC was an above-board donation, not a bribe. And he emphasized that Zangrillo's daughter was ultimately admitted to USC not as a fraudulent athletic recruit — as was the case for other students whose parents allegedly conspired with Heinel and the nationwide scheme's mastermind, William "Rick" Singer — but rather through the VIP tagging process as a purported transfer student.

It was not immediately clear Wednesday why Heinel presented Zangrillo's daughter to the admissions department as a VIP, rather than as a fake recruit for the crew team — as was the original plan that Zangrillo, Heinel and Singer allegedly hatched. Nonetheless, Weinberg said, the

fact that Zangrillo's daughter was admitted as a VIP applicant entitles him to more information about that system.

"I'm asking [USC] to push buttons and download documents that are directly relevant and material to the defense," Weinberg said.

Judge Kelley, while acknowledging that parts of Weinberg's request were overly broad, seemed sympathetic to his argument that details of USC's admissions process could be key to his defense at trial.

"Mr. Zangrillo gets to put on his defense," the judge said.

At the very least, Judge Kelley suggested, USC should search for and turn over any information it has about Zangrillo's daughter's admission to the school, and why she ended up going through the VIP process instead of Singer's infamous "side door."

"How did she get through? That's what [Zangrillo is] trying to figure out," Judge Kelley said.

The judge gave the attorneys for Zangrillo and USC 10 days to confer and report back on a potential compromise.

Fuchs suggested that the spreadsheets and donor data Weinberg is seeking would be burdensome to track down, could jeopardize student privacy, and is "totally irrelevant" to Zangrillo's case.

"Heinel cut a deal to present [Zangrillo's daughter] as a fake women's rower," Fuchs said. "How she ultimately was admitted is not part of the crime charged here."

The government's lead prosecutor, Assistant U.S. Attorney Eric Rosen, echoed that point more forcefully toward the end of Wednesday's hearing, saying the VIP process has "absolutely nothing" to do with the case and calling Weinberg's subpoena a "complete sideshow."

"Mr. Zangrillo had no idea at all his daughter was getting tagged as a VIP applicant," Rosen said. "The entirety of [her] admission was a complete fraud. Mr. Zangrillo encouraged, aided and abetted, and paid for that fraud on multiple occasions."

Federal prosecutors claim Zangrillo paid a total of \$250,000 — \$50,000 to USC and another \$200,000 to a charity controlled by Singer — in order to have his daughter admitted to USC as a crew recruit even though she didn't compete in the sport at a Division 1 level.

The government is represented by Eric S. Rosen, Justin D. O'Connell, Alexia R. De Vincentis, Kristen A. Kearney and Leslie Wright of the U.S. Attorney's Office for the District of Massachusetts.

Zangrillo is represented by Martin G. Weinberg of Martin G. Weinberg PC, Matthew L. Schwartz of Boies Schiller Flexner LLP, and Nicholas C. Theodorou of Foley Hoag LLP.

USC is represented by Debra Wong Yang and Douglas Fuchs of Gibson Dunn & Crutcher LLP, and Anthony E. Fuller and Elizabeth Carr Pignatelli of Hogan Lovells.

The case is U.S. v. Sidoo et al., case number 1:19-cr-10080, in the U.S. District Court for the District of Massachusetts.

--Editing by Adam LoBelia.