

Winston & Strawn Files Lawsuit on Behalf of Former Northwestern University Football Coach Pat Fitzgerald Against Northwestern and University President Michael Schill

OCTOBER 5, 2023

Suit seeks more than \$130 million in compensatory damages and unspecified amounts in emotional distress and punitive damages

Chicago – October 5, 2023 – Winston & Strawn LLP announced today that a Winston team led by litigation partners Dan K. Webb and Matthew R. Carter filed a lawsuit in Cook County Circuit Court on behalf of Pat Fitzgerald, Northwestern University’s former head football coach. Northwestern and university president Michael Schill are the named defendants.

The complaint asserts that, after unsubstantiated reports of hazing among the Northwestern football team, Northwestern unlawfully terminated Fitzgerald’s employment in violation of oral and written contracts and that the defendants defamed Fitzgerald, publicly and callously destroying his reputation.

Fitzgerald is bringing claims for breach of oral contract, breach of his employment contract, intentional infliction of emotional distress, defamation, false light, and tortious interference with a business expectancy. The suit seeks in excess of \$130 million in compensatory damages and as-yet unspecified damages for emotional distress and punitive damages.

A Northwestern alumnus, Fitzgerald was a highly respected university leader. He was the most successful head football coach in Northwestern’s history, and his student-athletes excelled on and off the field because of Fitzgerald’s commitment to his players during their time at Northwestern and beyond.

In November 2022, an anonymous “whistleblower” made allegations of hazing conduct among the Northwestern football team (but later evidence shows that these allegations are not credible). Northwestern immediately hired a highly respected and experienced investigator, Maggie Hickey of ArentFox Schiff, to investigate the allegations.

After a thorough and months-long investigation involving interviews with more than 50 coaches and current and former Northwestern football players, Hickey concluded that players varied on their perspective of whether the alleged conduct constituted hazing. None of the players interviewed was able to point to a specific instance of misconduct by a Northwestern football player or coach. In addition, Hickey and her team concluded that there was no evidence to believe that either Fitzgerald or his football coaching staff knew about the alleged hazing.

Subsequently, Schill published his own announcement stating that “there was no direct evidence that Mr. Fitzgerald was aware of the hazing.” Later, he stated that the investigator failed to find any credible evidence that Fitzgerald himself knew about the hazing. Two weeks after the university terminated Fitzgerald’s employment, Schill stated, “The report concluded that there was insufficient evidence to indicate that coach Pat Fitzgerald knew about what was going on.”

Fitzgerald implemented and followed numerous procedures and protocols to ensure that hazing would not occur. His thorough approach included regularly reviewing anti-hazing policies; creating a student-led Leadership Counsel to represent players’ interests; holding weekly meetings with the team captains; hiring a Mental Skills Coach to work with players; and creating several mentorship programs. Fitzgerald repeatedly emphasized to Northwestern’s student athletes that hazing was forbidden and, if anyone was aware—or was the victim—of hazing, that they should immediately report it so that he could stop it.

On July 6, 2023, after a thorough and comprehensive factual investigation by Northwestern, Northwestern and Fitzgerald entered into a binding oral contract, under which Fitzgerald would remain as head coach and would receive no other discipline as a result of the alleged hazing, provided he accept a two-week suspension (without pay and without legal challenge) and release a statement supportive of Northwestern’s football program. Fitzgerald faithfully carried out all of his commitments under this July 6 contract.

Just a few days later, Northwestern completely changed its mind and made the decision to breach its July 6 contract by terminating Fitzgerald’s employment “for-cause” based on no new evidence. The complaint asserts that, by doing so, Northwestern and Schill irreparably and permanently damaged Fitzgerald’s reputation and destroyed his ability to maintain the football career that he spent his entire professional life creating.

“Mr. Fitzgerald has been subjected to unfair, arbitrary, and disgraceful conduct by both the university and its president,” said Webb, the plaintiff’s lead attorney on the matter. “Despite no new evidence of hazing, and despite a thorough factual investigation by Northwestern finding that Mr. Fitzgerald had no knowledge of any hazing conduct, the defendants unlawfully terminated his employment and destroyed his good name and reputation. The defendants’ actions have exacted terrible, measurable costs to Mr. Fitzgerald and his family. This lawsuit seeks to bring some measure of justice for our client and to hopefully dissuade the defendants from inflicting such harm on others.”

[See full complaint and exhibits here.](#)

[Watch the press conference here.](#)

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