

ANOTHER AMYLOID TANGLE – BETWEEN UCSD AND USC

Excerpts from the legal brief prepared for the UC Regents by the law firm of Cromwell and Moring, L.L.P., and submitted to the State Superior Court in San Diego County July 2015:

The Regents of the University of California vs. Paul S. Aisen [et al] and the University of Southern California. Complaint for Money Damages and Equitable Relief for: 1. Breach of Fiduciary Duty; 2. Breach of duty of loyalty by employee; 3. Interference with Contract; 4. Interference with Prospective Economic Advantage; 5. Conversion; 6. Commission of Computer Crimes; 7. Civil Conspiracy.

Since 1991, UCSD has managed a research enterprise known as the Alzheimer’s Disease Cooperative Study (“ADCS”) under a cooperative agreement with the National Institute on Aging... one of the National Institutes of Health...The ADCS facilitates the testing of new drugs for the treatment of Alzheimer’s disease. . . . ADCS coordinates clinical trials and other research activities at approximately 70 academic medical centers and research clinics in the United States in Canada...

The work...is funded primarily by the federal government and private companies... The value of the grants is in excess of \$100 million. This funding finances research activity as well as administrative costs, including the salaries of the approximately 80 employees and administrators who run the ADCS at UCSD.



Paul S. Aisen, M.D.

From the time that the ADSDC was established in 1991 until February 2007, the Director of the ADCS was **Leon Thal**, M.D., Chair of Neurosciences at UCSD... [O]ver the years [he] became the acknowledged leader in the development of drug therapies for Alzheimer disease. In February, 2007, he was tragically killed in a plane crash.

Following the death of Dr. Thal, UCSD conducted a search for a new Director of the ADCS and hired Defendant **Paul Aisen**, M.D....

...The Regents has learned that, beginning at least as of April 2015, ...Aisen and...USC began to conspire with one another to displace UCSD in the ADCS...

...In April 2015 ... Aisen reached out to USC Provost **Michael Quick** to resume discussions begun at some earlier time, regarding the potential for...Aisen to join the faculty of USC, which operates the Keck School of Medicine...Keck has an

Alzheimer’s Disease Research Center, also located near downtown Los Angeles.

[T]he discussions ... soon centered on making arrangements for Dr. Aisen to remain in the vicinity of La Jolla, where USC has no facilities of any kind. Defendants agreed to create a brand new “Institute” in San Diego by hiring away the necessary UCSD employees who serve the ADCS, and seeking to supplant UCSD as the contracting party in connection with research contracts and other agreements related to ADCS, including the lease for the office space that houses the UCSD/ADSC staff. Defendants Aisen and USC thus planned to cripple UCSD’s ability to perform its cooperative agreement with the NIA to administer the ACDS.

...USC ...offered Aisen a guaranteed salary of \$500,000 per year

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through 2020, and both interest-free and low-interest financing on a new home, with forgiveness of at least half the debt over time. The terms...were expressly set forth with the expectation that Aisen's salary would be paid by "extramural research funding you [i.e., Aisen] obtain."

Defendants further agreed that USC would provide a "start-up loan" of up to \$8 million to finance the creation of the new "Institute" in San Diego...

In May 2015..Aisen... summoned all ADCS employees to a meeting and told them that he would likely be moving to USC, that the ADCS grants would move with him, and falsely advised that none of the employees working on behalf of ADCS would have jobs at UCSD...

Defendants **Jeremy Pizzola, Deborah Tobias, Gustavo Jiminez-Maggiore, Phouc Hong, Hong Meiu Qiu, Stefania Bruschi, Ja-Sing So, and Mayya Nessiro**, were UCSD employees who agreed to join...Aisen in a conspiracy to act as "double agents: -- ostensibly employed by The Regents but in reality working to undermine UCSD...in violation of their obligations under California Labor Code 2863...

For example, ...Aisen, Pizzola, and Tobias, while still employed by The Regents, attempted to pressure and persuade Toyama Chemical Company..., a research sponsor and party to a Collaborative Study with the Regents, to terminate its contractual arrangement with The Regents and form a new contract



with USC.

...Aisen and other Individual Defendants arranged for the return of the laptop computers that had been issued to them and which were owned by The Regents. Each laptop had been wiped of all data, notwithstanding The Regents' ownership of the data.

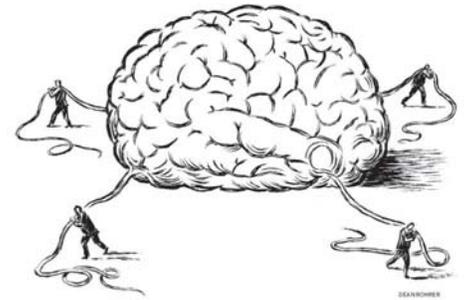
Worse, upon their departure, and through the present ... Aisen [et al.] have exerted dominion and control over the ADCS data...and have failed and refused to provide UCSD with account data, passwords, and access credentials to enable UCSD to maintain administrative control of ADCS data....

...Maintenance of data pertaining to clinical trials is subject to detailed regulations promulgated by the Food and Drug Administration... Maintenance of study data is also subject to contractual obligations set forth in the contracts between The Regents and companies and government agencies that sponsor clinical trials

For example, The Regents entered written agreements with Eli Lilly and Company...and Toyama... Pursuant to...the Lilly contract, UCSD is required to create and maintain all records required by the Agreement and [that] Study Data will be captured by UCSD and managed jointly by Lilly and UCSD... Pursuant to the Toyama Agreement, Clinical Study results shall be jointly owned by Toyama...and the Regents [and] all joint intellectual property created as a result of the clinical studies will belong jointly to Toyama...and The Regents.

...Further, the NOA [Notice of Award] expressly provides that a principal investigator such as...Aisen may not transfer the ADCS project to another host institution without first securing advance approval from the NIH and a written release by UCSD approving the transfer....

As a result of the conduct alleged



herein, The Regents have suffered damages, and will continue to suffer damages, in ways that will be subject to proof at trial.

On July 25, Judge Judith Hayes ruled in favor of UCSD and said she would issue a preliminary injunction that will require USC to surrender custody of the Alzheimer's project. But the courtroom victory turned Pyrrhic when Eli Lilly announced it was transferring funding -- set in 2013 at \$76 million -- to USC for a study of an Alzheimer's drug previously administered by UCSD.

A statement from Paul Aisen issued by USC:

"I have devoted the last 20 years of my career to the Alzheimer's Disease Cooperative Study, which in essence operates independently of the University of California, San Diego. I strongly believe that USC offers the best environment for this research program to prosper and grow, regardless of what it may be called in the end. This lawsuit is more about affiliation with an institution than about the protection and support of Alzheimer's research.

"Regarding data, ADCS has been migrating to the cloud for several years as a matter of convenience and data protection. Both UCSD and USC have access to all of the data. UCSD has always had access to the cloud data as well as a mirror database on its own supercomputer. As the ongoing principal investigator on several clinical studies, I continue to have access to clinical data from those studies."

Taking the Bumps - Bad and Good

By **Charles F. Kennel**

Professor Emeritus of Atmospheric Science

In late September 2006 I took off from Lindbergh Field for a brief meeting in Washington D.C. as Director of SIO; when I landed I learned that I had become an ordinary faculty member. All this had been planned, but I felt jettisoned. The telephone no longer rang. For eight years all these brilliant oceanographers had trooped into my office to tell me what they were doing, why they were doing it, and what financial support they needed my help finding. Apparently it wasn't my scientific acumen alone that had attracted them. Ominously, I found I couldn't sustain a train of thought for more than five minutes. This did not bode well for my new career in research. Luckily, my spirit was lifted and my mind focused by an invitation that has led to a very gratifying relationship with a far older institution overseas.

Bill Fitzgerald, professor of engineering at Cambridge University, often came to SIO for technical meetings. We first met over lunch outside on one of those sunny days that make Cantabs envy us. On returning from Washington, I got in touch with him and asked if he might be able to arrange a visit for me to Christ's College, where he was a fellow. To my delight, he learned I would be welcomed. I arrived there in January 2007 for Lent term. Bill undertook to school me in the subtleties of life in a college founded in 1505 by the grandmother of Henry VIII, and he made sure I was properly introduced to the other fellows. His main



Charles F. Kennel

socialization tool was wine -- wine at High Table, wine at Combination (the Cambridge word for the faculty common room), accompanied by lots of conversation. He also taught me about Bayesian statistics, his specialty.

I came to see Bill as the quintessential "College Man," one of those Victorian dons outsiders know only from novels. Bill passed away last year. When we learned he was gravely ill, almost the whole Fellowship attended a quiet dinner in his honor -- at which the wine flowed as easily as the fond tributes. Later, when his department arranged a festschrift in his memory, it was noted that he had not only been an outstanding student of signal processing but had also been a proficient classical gui-



Christ's College Cambridge

tarist who played an instrument custom-made for him in Spain.

It was Christ's that helped me resurrect my research career. In 2007 the college asked me to give its annual C. P. Snow Lecture. Since I had founded the Environment and Sustainability Initiative at UCSD, I chose to speak on the role global earth observations would play in diagnosing the coming crisis in climate change. Thus began my career in sustainability at Cambridge.

Martin Rees, an old friend from my astrophysics days who holds the honorary title of Astronomer Royal, made sure I met everyone there who shared my interests and was invited to events of the Royal Society of London. I walked all over the university's fabled streets and quads, visiting the departments of Engineering, Chemistry, Applied Maths, Earth Science, Social Anthropology, Geography, Astronomy (for fun), and further afield, the Judge School, the Scott Polar Institute, the British Antarctic Survey, and the World Conservation Monitoring Centre.

From all this exposure, I realized that while Cambridge had enormous intellectual firepower, we at UCSD were ahead in thinking out how to organize academic programs in sustainability. I particularly remember a brief conversation in college with Vice Chancellor **Alison Richard**, who asked whether Cambridge had made a mistake in not bidding for what has become an impressive British-sponsored effort in climate modeling. I said that the government was doing very well with it, but that Cambridge was positioned

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to take leadership in the emerging next phase, in which the world would deal with the economic, social, political, and cultural consequences of climate change.

Soon the term was over and I returned to SIO with renewed vigor. Two years later I was back at Christ's for a brief visit and met **Frank Kelley**, the Master, at dinner in the college with Fitzgerald. "Charlie," he said, "you aren't using your privileges." Privileges? What privileges? "We have elected you a Distinguished Visiting Scholar and you have dining rights in College whenever you return to Cambridge." This sounded like a pretty good deal, so I decided to take good advantage of it. I visited repeatedly -- in the Lent terms of 2010, 2012, 2014, and 2015 and for two weeks in 2013.

In the process, I came to appreciate that once it sets its mind to something, Cambridge can accomplish great things. One of its most effective customs is to sponsor interdisciplinary seminars at 5:30 in the afternoon, so that after classes faculty can share ideas with people from industry and government. One of the smartest things it has done was to convince **Paul Linden**, my former UCSD colleague, to return with a chair to the Department of Applied Mathematics and Theoretical Physics. He and Rees now run a monthly evening seminar on sustainability. All this has generat-

ed an improved understanding of what sustainability is and how the university can help promote it.

In 2014, I decided it was time to give back. By then, I was also affiliated with the Centre for Science and Policy, which co-sponsored a series of public lectures entitled "Climate Change in Multiple Dimensions." I gave six lectures in the Plumb Auditorium that were well attended. This year I helped organize four public lectures in the Hamied Auditorium. I spoke first on why **David Victor**, my UCSD colleague, and I believe the two-degree CO2 reduction goal of the forthcoming climate negotiations is neither achievable nor meaningful. Next, **Rowan Douglas** from the Willis Reinsurance Group in the City of London spoke on an innovative way to make industry and business aware of the risks of climate change. The high point was probably the third event at which Rees, **Partha Dasgupta** -- St. John's College's great development economist -- and I reported on the historic conference at the Vatican we took part in that led to **Pope Francis's** recent encyclical on climate change.

After my return to La Jolla, friends and colleagues asked what had been the most significant thing I experienced at Cambridge this year. I said it had been an annual boat race on the Cam known as "The Bumps." Our college's women won the race this year, the

first time ever for a Christ's crew. I had watched the race from the bend in Grantchester, and had come back to watch the women keep with custom by burning their boat in Third Court. It was a Wagnerian scene -- dark, cold, rainy night; bright leaping fire; large flickering shadows; billows of white smoke; and handsome young nymphs (Oceanids?) leaping hand in hand over the flaming shell of

I like to think the moral of this story is that life brings bad bumps and good bumps, and we have to roll with the bad ones and take full advantage of the good ones!

the scull. An older woman standing next to me said to all and sundry that she never expected to see anything more thrilling. When a chill ran down my spine, I realized the college had become part of me.

I like to think the moral of this story is that life brings bad bumps and good bumps, and we have to roll with the bad ones and take full advantage of the good ones!

Editor's Note. A description of The Bumps from an internet website: The Bumps are a historic form of racing between the college boat clubs, and run to a format dating back to the 1820s. It's a fantastically exciting one. Divisions of 17 or 18 crews line up along the river, with just one-and-a-half boat lengths (90 feet) between each. At the firing of a small cannon, all hell breaks loose as each crew tries to catch up with and actually collide with (*bump*) the crew in front before the crew behind does the same to them!

The races are held one each day for four days and by bumping on any given day, a crew moves up a place on the river for the following day's race. For any given crew, the aim is to go up four places on the river during the course of the four day's racing.



Cambridge Women's Rowing Team in Action

Making a Difference

By Supporting Chancellor's Scholars

Henry Powell, currently President of the Emeriti Association, spent much of his career interacting with students as professor of pathology at the UCSD School of Medicine. He still teaches gradu-



ate students part-time. Powell also spends his time mentoring undergraduate students through the Emeriti Mentor Program. The

experience has been so inspiring that he and his wife, **Mary**, recently decided to give to undergraduate scholarships that support outstanding students who otherwise might not be able to afford a university education.

"In making a contribution, we wish to address a real need," said Powell. "Many deserving students cannot get an education commensurate with their abilities because California does not support public education with the same commitment that it did in the past. Our goal is to help deserving students get a quality UC education, like those in generations before them."

The Powells provided funding for two Chancellor's Scholarships over a span of four years. Chancellor's Scholarships provide funding—\$5,000 per year—for entering freshmen for four years on the basis of outstanding academic achievement. In addition to receiving financial scholarship support, students in the program

also engage in leadership and professional skill development and benefit from regular peer, faculty and emeriti mentoring sessions through the Chancellors Scholars and Emeriti Mentor Programs.

"This program is one of the most important collaborations between administration, faculty, and students that I have ever participated in," said Powell. "Meeting these students, more than anything, convinced my wife and me to support undergraduate scholarships. They are outstanding young people who, in two or three decades will be in positions of leadership—local, national and global."

The Emeriti Mentor Program was established in 2007 to provide guidance to undergraduate students in the Chancellor's Scholar Program. These students are high-achieving first generation and low-income students who often don't have someone at home with a core set of college experiences. Mentors are matched one-on-one with first- and second-year undergraduates based on the students; interests and goals. The mentors assist students with questions about classes, grades, and graduate school. As well as help students identify opportunities for scholarships, undergraduate research and internships.

Roger Spragg, M.D., and his wife



Carole also support Chancellor's Scholars in the mentoring program. "Mentoring these students over the past five years and

meeting them at student-mentor dinners has opened our eyes to the talent and promise of these students. Our hope is that by supporting the education of several students, we will make it possible for them to achieve an excellent education that will, in turn, enhance their opportunity to contribute to the country's future.

For **Marilyn Wilson**, who



worked in the university's development office, the decision to support Chancellor's Scholars was both emotional and rational.

As a student, Wilson relied on scholarships and fellowships to gain her undergraduate and graduate degrees. And she believes that financial obstacles should not get in the way of a student's desire to pursue higher education.

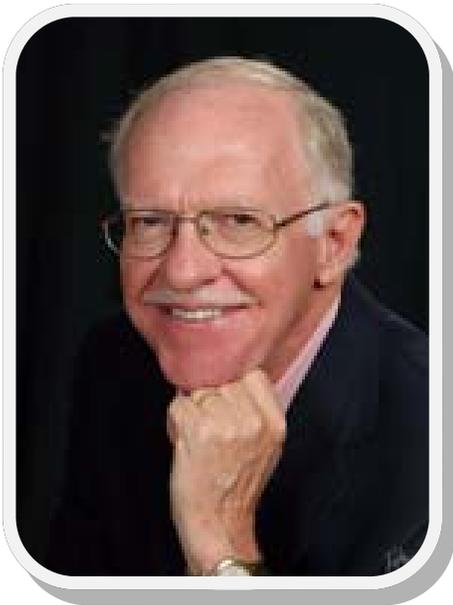
"Attendance at a quality university should not be dependent of socioeconomic status, yet too often it is. For the many who must borrow, the debt at graduation is appalling. Helping deserving students realize their potential without mortgaging their future is personally gratifying and in the best interests of society."

If you are interested in making a contribution to the Emeriti Association's Chancellor's Scholars Fund, please contact Luis A. Murillo, Assistant Director of Development - Scholarships, by email: lamurillo@ucsd.edu, or via phone: (858) 246-1812.



Cornelius and Fisher named Dickson Honorees

The Edward A. Dickson Professorship, awarded annually to emeriti who have continued to make outstanding contributions to scholarship and the community, has been awarded this year to **Wayne Cornelius** and **Jack Fisher**.



Wayne A. Cornelius
*Distinguished Professor Emeritus
of Political Science*

Cornelius, who retired as Distinguished Professor of Political Science, has continued to direct the Mexican Migration Field Research and Training Program which he founded and to serve as a core faculty member of the Division of Global Health of the Department of Medicine. Now in its ninth academic year, the migration program seeks to train a new generation of students to become proficient field researchers in international migration studies and to prepare themselves for careers requiring a professional specialization in immigration. It is now also creating a new, individual-level database on Mexi-

can migration that can be used to address key issues of public policy on both sides of the border. Each year since 2009 the program has devoted major attention to the health consequences of migration to the United States for migrants and their relatives left behind.

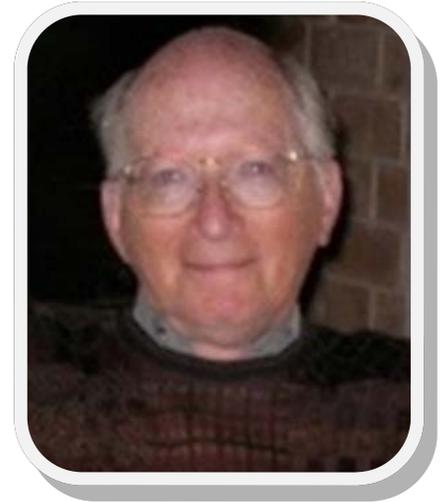
In 2012 Cornelius was awarded the Order of the Aztec Eagle, Mexico's highest honor for non-citizens, by President **Felipe Calderon**, in recognition of his lifetime of work on U.S.-Mexican relations.



Prof. Cornelius also regularly provides canine therapy with his dog Nena to patients at local hospitals.

Since retiring from the UCSD School of Medicine, Fisher has served on the staff of the UCSD Medical Center and the VA Medical Center and as a consultant to the San Diego Zoo. He has continued to mentor residents in plastic surgery and served as a director of the American Board of Plastic Surgery. He founded the highly praised Interface Surgical Program, which continues to care for children with facial clefts and other birth defects.

He has also written four books, *Lead Pencil Miner: A Rush for Yukon Gold*; *Stolen Glory: the McKinley Assassination*; *Stopping Road: the Campaign Against Another Trans-*



Jack C. Fisher, M.D.
Professor Emeritus of Surgery

Sierra Highway; and *Silicone on Trial: Breast Implants and the Politics of Risk*.

Fisher served for several years on the Executive Committee of the Emeriti Association, and as Vice President, President, and Past President of that body. As President, he wrote, with the collaboration of **Suzan Cioffi**, the Joint-Venture proposal to then Chancellor **Marye Ann Fox**, which brought together the Emeriti and Retirement Associations under the roof of the new Retirement Resource Center, which was created as a result of his proposal. Also as a result of his leadership, the newly formed Center added the new position of Emeriti Mentor Program Coordinator to support the nascent mentoring program. Additionally, Fisher served as the chair of the Emeriti Mentor Program for its first two years, establishing many of the policies and procedures of the new mentor program, and recruiting numerous additional emeriti faculty to serve as mentors in the new program.



Anecdote

By **Sandy Lakoff**

A Wall Street Journal Editorial We Never Finished Reading

"But Baltimore also has advantages, not least its port and one of the nation's finest medical centers in Johns Hopkins. If it lacks the appeal of New York or San Diego . . . (April 29, 2015)

Well sure, New York has some appeal, especially for the Journal's editorial writers: The street they call home also houses the thieving megabanks they flack for. . . . OK, it also has other attractions (huge bagels, knock-off Gucci handbags in Chinatown, etc.), but why not come right out and admit that San Diego is in a class by itself, even compared to London, Paris, Rome, or Vienna? (We have better fish tacos, and those creaky Old World conurbations can't boast so much as a single beach!) If Baltimore needs a model – another town with a port and hot medical centers -- look no further. But please, those of you who live in "Ballimore," don't move here; stay right where you are, enjoy your crab cakes, and pray that global warming will give you our weather, which of course is also perfect. P.S. La Jolla even has a Wall Street.

Life in These Benighted States

No wonder people elsewhere think we Americans are a few sandwiches short of a picnic:

In Hartford, Connecticut, you may not, under any circumstances, cross the street walking on your hands.

In Arizona, it's illegal to hunt camels.

Every citizen of Kentucky is

required by law to take a bath at least once a year.

In Indiana, it is illegal to ride public transportation for at least thirty minutes after eating garlic.

From *The Book of Useless Information* (Penguin Perigee paperback).

A Dementia Quiz (thanks to Roz Meyer)

QUESTION 1. You are a participant in a race. You overtake the second person. What position are you in?

ANSWER: If you answered that you are first, then you are absolutely wrong! If you overtake the second person and you take his place, you are in second place!

Try to do better next time. Now answer the second question, but don't take as much time as you took for the first. OK?

QUESTION 2. If you overtake the last person, then you are....?

ANSWER: If you answered that you are second to last, then you are....wrong again! Tell me, sunshine, how can you overtake the last person?? You're not very good at this, are you?

QUESTION 3. (VERY TRICKY ARITHMETIC. NOTE: THIS MUST BE DONE IN YOUR HEAD ONLY. DO NOT USE PAPER AND PENCIL OR A CALCULATOR.) Take 1000 and add another 1000. Now add 20. Now add another 1000. Now add 10. What is the total?

ANSWER. Did you get 5000? The correct answer is actually 4100. Today is definitely not your day, is it? But try one more.

QUESTION 4. Mary's father has five daughters: 1. Nana., 2. Nene. 3. Nini. 4. Nono. And ??? What is the name of the fifth daughter?

ANSWER. Did you answer Nunu? No! Of course it isn't. Her name is Mary. Read the question again!

OK, now the bonus round – a final chance to redeem yourself.

QUESTION. A mute person goes into a shop and wants to buy a toothbrush. By imitating the action of brushing his teeth he successfully expressed himself to the shopkeeper and the purchase is done. Next, a blind man comes into the shop who wants to buy a pair of sunglasses. How does he indicate what he wants?

ANSWER. It's really very simple. He opens his mouth and asks for it. Does your employer actually pay you to think? If so, do not let them see your answers for this test!

BRITWIT

Michael Flanders and Donald Swann were two of the best and wittiest entertainers in postwar London. I loved their performances. Flanders played the piano and he and Swann sang their marvelous original numbers. (You can watch and hear them in action on u-tube). Their adoring audiences came to know and sing along every word of The Hippopotamus Song:

*Mud, mud, glorious mud:
Nothing quite like it for
cooling the blood.
So follow me, follow,
Down to the hollow,
Where we will wallow
In glorious mud.*



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Chronicles

Newsletter of the UCSD Emeriti Association



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*Forward queries, changes in mailing/email address to:
Suzan Cioffi, Director, UCSD Retirement Resource Center,
UCSD, 9500 Gilman Drive, #0020, La Jolla, CA 92093-0020.*



Mark your Calendar!



Paul G. Pickowicz, Distinguished Professor, History and Chinese Studies *"The Many Faces of Today's China: Alternative Perspectives Crafted by Independent Filmmakers"* **Wednesday, October 14, 3:30 - 5:00 PM**
Ida & Cecil Greene Faculty Club

Jeff Elman, Distinguished Professor of Cognitive Science and Chancellor's Associates Endowed Chair *"Potential for Educational Enhancement through the use of Online and Technological Advances"*, **Wednesday, November 18, 3:30 - 5 PM**
Ida & Cecil Greene Faculty Club



***Emeriti & Retirement Associations
Festive Holiday Party***

***Saturday, December 5, 1 - 4 PM
Ida & Cecil Greene Faculty Club***