

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

<p>ROBERT DAVIS and MICHAEL LANG,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>JAMES BOEHEIM and SYRACUSE UNIVERSITY,</p> <p style="text-align: center;">Defendants.</p>

Index No. 113967 / 2011

AFFIDAVIT OF ROBERT DAVIS

ROBERT DAVIS, being duly sworn, deposes and says under penalty of perjury as follows:

1. I am one of the Plaintiffs in this action, and submit this affidavit in support of our motion for narrow, expedited discovery to identify the location of key witnesses in this case, a factor that I understand is relevant to the location of where the case is heard.

2. As the Court is aware from the Verified Complaint in this case, I was subjected to years of abuse and sexual molestation by Bernie Fine, who for more than thirty-five years served as the right hand to the Head Coach of Syracuse University's Men's Basketball Team, Defendant James Boeheim. Over the course of many years, I observed Bernie Fine speak and interact with Boeheim on a daily basis, and saw that Fine was in charge of critical aspects of Boeheim's team, including with respect to recruiting, general management and also running Jim Boeheim's Big Orange Basketball Camp in the summers, which was a camp for 8-18 year olds.

3. As detailed more fully in the Verified Complaint, the sexual abuse

started when I was a boy and progressed for years, including during the years that I served as a ball-boy for the basketball team and when I attended Jim Boeheim's Big Orange Basketball Camp during the summer. Bernie Fine used his significant position of power and prestige at Syracuse University to conduct the abuse. Among other places, Bernie Fine molested me in his office at Manley Field House at Syracuse University, which for years was physically near Boeheim's office, as well as in hotel rooms paid for by Syracuse University when I traveled with Fine for away games. On at least one occasion when I was approximately 15 years old, I observed Boeheim looking at me while I was in Bernie Fine's hotel room on Fine's bed in my shorts.

4. I believe that Boeheim – who has been friends with Fine for almost fifty years and who I understand lives across the street from Fine – had countless occasions to observe that Fine's behavior and unusual closeness and relationship with me and other ball-boys was problematic. Given everything I know now, I believe that Boeheim either deliberately chose to ignore what he knew was improper behavior, or actually knew precisely what was happening and did nothing to intervene.

5. It is not only Fine's relationship with me or other boys or young men that would have tipped Boeheim off. For years, Bernie Fine's wife, Laurie Fine, had sexual relationships with basketball team players. Players used to joke openly about it as a known fact – that Laurie Fine gave "good head" and was great in bed, and that anyone could "do the coach's wife," meaning have sex with her. Laurie Fine and another coach's wife used to also speak openly about their sexual relationship with two of the players and what each of them liked to do in bed.

6. Bernie Fine knew that Laurie Fine was having sexual relations

with players, and he never appeared to object to it. I knew that because I myself told Bernie Fine about Laurie Fine's sexual relations with three players, and I saw that he gave no reaction to my statement at all, indicating that it was not a surprise and not a big deal.

7. Given that it appeared to be common knowledge among the players, a routine source of jokes and conversations among them, and given Bernie Fine's own knowledge of it, I find it impossible to believe that Jim Boeheim, the head coach did not also hear or learn that Laurie Fine had inappropriate sexual relations with players. The fundamentally dysfunctional relationships that the Fines maintained – Laurie Fine with young male basketball players and Bernie Fine with ball-boys, appeared widespread and spanning years. There would have been countless indications of the behavior, and it is reasonable to believe that along the way there may have been people who complained or objected to the inappropriate behavior. At a bare minimum, Boeheim chose deliberately not to hear the comments, statements or jokes, and refused to intervene to stop it.

8. In particular, I know about Laurie Fine's sexual relationships with at least two players and believe I also know the identity of a third player. For example, in 1993, I went with Laurie Fine and a former basketball team player to a house where several undergraduates were living, including a then-current basketball player ("Player 1"). I watched Laurie Fine go into Player 1's bedroom and then later saw Player 1 come out fist-pumping the air and bragging about how he had just had sex with Laurie.

9. On another occasion, in 1996, during the Final Four, I was present in a hotel room with Laurie Fine and heard her calling a team member ("Player 2") and

talking to him in a manner that made clear that they were in a relationship.

10. In 1996 and/or 1997, I was asked by Laurie Fine on a number of occasions to drive her to the Skytop Apartments, a complex of apartments that Syracuse University uses to provide housing to students, many if not all of whom are athletes. On many occasions, Laurie Fine would meet another assistant coach's wife ("Wife 2") at Skytop.

11. Because I drove Ms. Fine quite a number of times both to and from the apartment complex, I knew that Laurie Fine was in a sexual relationship with Player 2 and that Wife 2 was in a sexual relationship with Player 3, both of whom lived at Skytop. I knew that from the many conversations I overheard between Ms. Fine and Wife 2. The two women spoke explicitly about their sexual exploits with Players 2 and 3. In particular, both women would talk about how good the two players were at various sexual acts, and talk about what specific acts each of the men liked. I would hear them talk to each other about giving "blow jobs" which I understand to mean oral stimulation of the penis, providing "rim jobs," which I understand is the act of orally stimulating the external anal sphincter, and about the specific size or physical attributes of each man's behind or penis.

12. I also believe that Laurie Fine had a sexual relationship with Player 4 because of the way she acted with him. Ms. Fine's approach to the different players was always the same – she would focus on a particular player and start paying enormous attention to that one player, by doing the player's laundry, lending him her car, giving the player money and gifts, including jewelry, and generally ingratiating herself into the player's life until it became clear that they were in an intimate relationship. I saw her

behaving that way with Player 4.

13. At one point I talked directly to Bernie Fine about his wife's sexual relationships with players. During that conversation, I expressly told him that Laurie Fine had sexual relationships with at least two and probably three players that I knew of. Bernie Fine did not react in the slightest. I remember him looking stone-faced as I told him and just saying something to the effect of "don't worry about that." I had believed even prior to telling Bernie Fine about these relationships that he knew about them, but had wanted to try for myself to see if we could confront the severe dysfunctional and abusive behavior that both Bernie and Laurie Fine were engaged in, and somehow change it. It was clear from his reaction that Bernie Fine was fully aware of his wife's behavior and had no interest in changing anything.

14. I was present on quite a number of occasions with basketball team players over the years and heard them often speaking of "doing" the "coach's wife," and hearing them joke about how good she was in bed and at sex. It seemed to be an openly known fact that Bernie Fine's wife had sex with basketball players.

15. Given the obvious dysfunctional nature of the Fines' relationship with each other and with the players and ball boys, given how many of the basketball team players seemed to know about Laurie Fine's sexual exploits with players, given that Laurie Fine and another assistant coach's wife visited the players at Skytop over the course of many months to have sex with them, and given how closely Fine worked beside and with Boeheim for nearly thirty-five years, I find it impossible to believe that Boeheim was not aware of these relationships or did not at some point hear about this, given how the young male players would brag. Nonetheless, Boeheim's first response to

my allegations being publicized this past fall was to demean and debase me, calling me a “liar” and conveying that the only concern I had was money.

16. I am not sure where Players 1 through 4 or Wife 2 currently live, but have reason to believe that at least one and perhaps more of them currently lives in New York City. I believe all of these individuals and other team members from those years have information that is relevant to this case, because of conversations they may have had with Boenheim or behavior they may have displayed in front of Boenheim which would have plainly put him on notice that Bernie Fine and his wife had inappropriate relationships. I understand that Boenheim himself, as Head Coach, is not only ultimately responsible for creating a winning team, but is also responsible for ensuring that the people contributing to that team are not being abused or treated inappropriately. Boenheim should have intervened and fired Bernie Fine years before. He knew or purposefully chose to ignore Fine and his wife’s behavior. He had every reason to know that I was telling the truth, but he instead lashed out at me and called me and my brother liars.

17. I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: January 30 2012
Syracuse, New York

Robert Davis
Robert Davis

Sworn before me
this 30 day of January, 2012

Jaime Phillips
NOTARY PUBLIC

