

November 12, 2013

Professor Trudo Lemmens
University of Toronto
39 Queen's Park
Toronto, ON, Canada M5S 2C3
Via Email: trudo.lemmens@utoronto.ca

Dear Professor Lemmens:

I am writing in response to your email of October 13, 2013 to President Kaler about your petition regarding the tragic death of Daniel Markingson. As you are undoubtedly aware, the Office of the General Counsel at the University has reviewed the facts and circumstances surrounding the CAFÉ Research Study and the suicide of Mr. Markingson to which you refer in your letter and your petition. Moreover, examinations of these events have already been conducted by the United States Food and Drug Administration (FDA), the Hennepin County District Court, and the Minnesota Board of Medical Practice.

It is not clear from your letter whether you are completely familiar with the details of these previous reviews conducted by a number of experts and governmental units independent of the University. None of these reviews were conducted by persons with any financial or professional relationship with the researchers, or were involved in the CAFÉ Study.

After receiving the University's report of Mr. Markingson's suicide, the FDA conducted an extensive investigation. The FDA investigator was on-site for 8 days, collected all relevant documentation, interviewed principal parties, and issued a report. In that report the FDA concluded that there was "no evidence of misconduct or significant violation of the protocol or regulations."

Subsequently, a lawsuit was commenced by Mary Weiss, the mother of Dan Markingson. Following exhaustive factual discovery, all claims against the University and Dr. Charles Schulz were dismissed by the Hennepin County District Court, and Mary Weiss agreed to a nominal settlement with Dr. Olson.

Finally, separate complaints were filed by Ms. Weiss and her associates with the Minnesota Board of Medical Practice against Drs. Stephen Olson and Charles S. Schulz. The complaints involved very extensive allegations against both doctors. The complaints were reviewed by the Board of Medical Practice and each of them was dismissed in its entirety.

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Mr. Markingson's death occurred in 2004 and has been examined and investigated by the appropriate authorities. We do not believe that further review is warranted.

Sincerely,

A handwritten signature in blue ink, appearing to read "William P. Donohue", with a long horizontal flourish extending to the right.

William P. Donohue
General Counsel