

1 Jay A. Zweig (011153)
E-mail: zweigj@ballardspahr.com
2 Melissa Costello (020379)
E-mail: costellomr@ballardspahr.com
3 Mitchell Turbenson (033278)
E-mail: turbensonm@ballardspahr.com
4 BALLARD SPAHR LLP
1 East Washington Street, Suite 2300
5 Phoenix, AZ 85004-2555
6 Telephone: 602.798.5400
7 Facsimile: 602.798.5595

8 *Attorneys for Defendant Arizona Board of*
9 *Regents, for and on behalf of the*
10 *University of Arizona*

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 Dr. Matthew Abraham, an individual,
14 Plaintiff,
15 vs.
16 Arizona Board of Regents, for and on behalf of
the University of Arizona,
17 Defendant.
18

NO. 4:25-cv-00656-RCC-EJM
ANSWER

19 For its Answer to the First Amended Complaint of Dr. Matthew Abraham
20 (“Abraham” or “Plaintiff”), Defendant Arizona Board of Regents (“Defendant ABOR”),
21 for and on behalf of the University of Arizona (“UA” with Defendant ABOR, collectively
22 “Defendant”) admits, denies and affirmatively alleges as follows:

23 **INTRODUCTION**

24 1. Defendant admits that Plaintiff brought his lawsuit under Title VII of the
25 Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* Except as expressly admitted,
26 Defendant denies the allegations in Paragraph 1 of the First Amended Complaint and
27 further denies any and all allegations of wrongdoing.
28

Ballard Spahr LLP
1 East Washington Street, Suite 2300
Phoenix, AZ 85004-2555

1 11. Answering Paragraph 11, Defendant admits that the allegations in the First
2 Amended Complaint are within the scope of EEOC Charge No. 540-2022-02125, denies
3 the remaining allegations in Paragraph 11, and denies any wrongdoing.

4 **FACTUAL ALLEGATIONS**

5 **Abraham’s Background**

6 12. Answering Paragraph 12, Defendant affirmatively alleges that UA sent
7 Plaintiff notice of dismissal for just cause on September 24, 2025, admits upon information
8 and belief that Plaintiff from time to time expressed an interest in serving in various
9 positions at UA, and denies the remaining allegations in Paragraph 12.

10 13. Defendant admits the allegations in Paragraph 13.

11 14. Defendant denies the allegations in Paragraph 14.

12 **Protected Activity**

13 15. Answering Paragraph 15, Defendant admits that Plaintiff complained to UA
14 officials from 2017 through 2022 about numerous topics, denies upon lack of information
15 or belief that those complaints were made in “good faith,” and denies the remaining
16 allegations in Paragraph 15.

17 16. Defendant admits the allegations in Paragraph 16.

18 17. Answering Paragraph 17, Defendant admits only that Defendant’s attorney
19 sent a notice of claim letter dated September 15, 2020, and denies any and all allegations
20 of wrongdoing.

21 18. Defendant admits the allegations in Paragraph 18.

22 19. Answering Paragraph 19, Defendant admits that Plaintiff published
23 statements, and denies the remaining allegations in Paragraph 19.

24 20. Answering Paragraph 20, Defendant admits only that Plaintiff filed an EEOC
25 Charge that was not perfected, that the EEOC numbered the Charge No. 540-2021-13104,
26 affirmatively alleges that EEOC Charge No. 540-2021-13104 and its claims are barred by
27 the statute of limitations, and denies the remaining allegations in Paragraph 20.
28

Ballard Spahr LLP
1 East Washington Street, Suite 2300
Phoenix, AZ 85004-2555

1 21. Answering Paragraph 21, Defendant admits only that Plaintiff filed a second
2 EEOC Charge, that the EEOC numbered the Charge No. 540-2022-02125, affirmatively
3 alleges that the EEOC never substantiated the allegations in Charge No. 540-2022-02125
4 and that the EEOC issued a Determination and Notice of Rights, and denies the remaining
5 allegations in Paragraph 21.

6 22. Answering Paragraph 22, Defendant admits only that Plaintiff’s filings of
7 EEOC Charges were under Title VII, denies any wrongdoing or liability to Plaintiff, and
8 denies the remaining allegations in Paragraph 22.

9 **Governance Structure and Applicable Policies**

10 23. Defendant admits the allegations in Paragraph 23.

11 24. Answering Paragraph 24, Defendant admits that governance policies and
12 processes establish eligibility criteria for CAFT and APR, and denies the remaining
13 allegations in Paragraph 24.

14 **Adverse Employment Actions: Exclusion from CAFT**

15 25. Answering Paragraph 25, Defendant admits only that CAFT has important
16 duties at UA, and denies the remaining allegations in Paragraph 25.

17 26. Defendant denies the allegations in Paragraph 26.

18 27. Defendant denies the allegations in Paragraph 27.

19 28. Defendant denies the allegations in Paragraph 28 upon lack of information
20 or belief.

21 29. Defendant denies the allegations in Paragraph 29 upon lack of information
22 or belief.

23 30. Defendant denies the allegations in Paragraph 30 upon lack of information
24 or belief.

25 31. Defendant denies the allegations in Paragraph 31 upon lack of information
26 or belief.

27 32. Defendant denies the allegations in Paragraph 32.

28 33. Defendant denies the allegations in Paragraph 33.

Ballard Spahr LLP
1 East Washington Street, Suite 2300
Phoenix, AZ 85004-2555

Ballard Spahr LLP
1 East Washington Street, Suite 2300
Phoenix, AZ 85004-2555

1 34. Defendant denies the allegations in Paragraph 34 upon lack of information
2 or belief.

3 35. Defendant denies the allegations in Paragraph 35.

4 36. Defendant denies the allegations in Paragraph 36 upon lack of information
5 or belief.

6 37. Defendant denies the allegations in Paragraph 37.

7 38. Answering Paragraph 38, Defendant affirmatively alleges that the Faculty
8 Constitution excludes from the definition of General Faculty member who may otherwise
9 be a member of the General Faculty but who is a candidate for a degree at UA from the
10 definition of General Faculty, and denies the remaining allegations in Paragraph 38.

11 39. Answering Paragraph 39, Defendant admits upon information and belief that
12 Plaintiff began pursuing a Juris Doctorate degree at the UA James E. Rogers College of
13 Law in Spring 2021.

14 40. Defendant denies the allegations in Paragraph 40.

15 41. Defendant denies the allegations in Paragraph 41.

16 42. Defendant denies the allegations in Paragraph 42.

17 43. Defendant denies the allegations in Paragraph 43.

18 44. Defendant denies the allegations in Paragraph 44.

19 45. Defendant denies the allegations in Paragraph 45.

20 46. Answering Paragraph 46, admits and affirmatively alleges only that on
21 August 17, 2022 Dr. Leila Hudson, asked the Committee of Eleven to investigate certain
22 matters, and denies the remaining allegations in Paragraph 46.

23 47. Defendant denies the allegations in Paragraph 47 upon lack of information
24 or belief.

25 48. Defendant denies the allegations in Paragraph 48 upon lack of information
26 or belief.

27 49. Defendant denies the allegations in Paragraph 49.

28

Ballard Spahr LLP
1 East Washington Street, Suite 2300
Phoenix, AZ 85004-2555

1 50. Answering Paragraph 50, Defendant admits and affirmatively alleges that
2 Dean Lori Poloni-Staudinger requested a recommendation for Plaintiff’s dismissal on
3 August 19, 2025, and that Provost Patricia Prelock recommended Plaintiff’s dismissal from
4 employment on August 20, 2025, and denies the remaining allegations in Paragraph 50.

5 51. Defendant denies the allegations in Paragraph 51.

6 52. Defendant denies the allegations in Paragraph 52.

7 **Adverse Employment Actions: Exclusion from APR**

8 53. Answering Paragraph 53, Defendant admits only that APR performs a
9 valuable function, and denies the remaining allegations in Paragraph 53.

10 54. Defendant denies the allegations in Paragraph 54 upon lack of information
11 or belief.

12 55. Defendant denies the allegations in Paragraph 55.

13 56. Answering Paragraph 56, Defendant admits that in March 2022 the English
14 Department voted against Abraham serving on APR, and denies the remaining allegations
15 in Paragraph 56.

16 57. Defendant denies the allegations in Paragraph 57.

17 58. Defendant denies the allegations in Paragraph 58.

18 59. Defendant denies the allegations in Paragraph 59.

19 60. Defendant denies the allegations in Paragraph 60.

20 61. Defendant denies the allegations in Paragraph 61.

21 **Knowledge and Timing**

22 62. Defendant denies the allegations in Paragraph 62.

23 63. Defendant denies the allegations in Paragraph 63.

24 64. Answering Paragraph 64, Defendant admits only that venue and jurisdiction
25 are proper in this Court, denies the remaining allegations in Paragraph 64, and denies any
26 and all allegations of wrongdoing.

27

28

CAUSES OF ACTION

COUNT I

Retaliation in Violation of Title VII of the Civil Rights Act of 1964,

42 U.S.C. § 2000e-3(a)

65. Defendant incorporates by reference its answers to Paragraphs 1-64 in response to Paragraph 65 of Plaintiff’s First Amended Complaint.

66. Defendant denies the averments in Paragraph 66 as conclusions of law to which no responsive pleading is required. To the extent Paragraph 66 contains factual averments to which a response is required, Defendant denies them.

67. Answering Paragraph 67:

a. Answering Paragraph 67.a., Defendant admits only that Plaintiff complained when he did not receive a placement or advancement and that he disagreed with RCTE Program’s admissions practices, denies that Plaintiff’s complaints were based on reasonable belief or in good faith, and denies the remaining allegations in Paragraph 67.a.

b. Denies the allegations in Paragraph 67.b.

c. Answering Paragraph 67.c., admits only that Defendant’s attorney sent a notice of claim letter dated September 15, 2020, and denies the remaining allegations in Paragraph 67.c.

d. Answering Paragraph 67.d., admits only that Plaintiff filed EEOC Charge No. 540-2021-13104, affirmatively alleges that EEOC Charge No. No. 540-2021-13104 and its claims are barred by the statute of limitations, and denies the remaining allegations in Paragraph 67.d.

e. Answering Paragraph 67.e., admits only that Plaintiff filed EEOC Charge No. 540-2022-02125 and that the EEOC issued a Determination of Notice and Rights, and denies the remaining allegations in Paragraph 67.e.

68. Defendant denies the allegations in Paragraph 68, including its subparts a., b., c., and d.

Ballard Spahr LLP
1 East Washington Street, Suite 2300
Phoenix, AZ 85004-2555

Ballard Spahr LLP
1 East Washington Street, Suite 2300
Phoenix, AZ 85004-2555

1 82. The First Amended Complaint is barred, in whole or in part, because
2 Defendant would have made the same decisions for legitimate non-retaliatory reasons and
3 regardless of any alleged protected activity by Plaintiff.

4 83. The individuals and bodies responsible for the challenged actions lacked
5 knowledge of Plaintiff’s alleged protected activities at the time decisions were made.

6 84. Defendant maintained and enforced a strict anti-retaliation policy during the
7 time in which Plaintiff alleges retaliation.

8 85. The decisions challenged by Plaintiff were made by independent faculty
9 governance bodies exercising their own judgment, and were not made by Defendant, and
10 do not constitute actionable retaliation under Title VII by Defendant.

11 86. The actions challenged by Plaintiff fall within the General Faculty’s
12 constitutionally protected academic freedom and institutional autonomy over faculty
13 governance, committee composition, and adjudicatory neutrality.

14 87. Plaintiff suffered no actual damages cognizable under Title VII.

15 88. Alternatively, if Plaintiff suffered any damages as a result of the facts alleged
16 in his Complaint, which Defendant denies, Plaintiff is not entitled to recover the damages
17 alleged due to his failure to make reasonable efforts to mitigate or minimize the damages
18 incurred.

19 89. Plaintiff’s alleged emotional distress, reputational harm, loss of professional
20 standing and opportunities, and other non-pecuniary injuries are vague, speculative,
21 unsupported, or not recoverable.

22 90. Plaintiff did not sustain severe emotional distress as a result of any act or
23 omission attributable to Defendant and/or Defendant’s conduct was not a substantial factor
24 in causing Plaintiff to suffer from severe or serious emotional distress.

25 91. The First Amended Complaint seeks damages that are neither properly
26 recoverable against Defendant nor constitutional.

27
28

Ballard Spahr LLP
1 East Washington Street, Suite 2300
Phoenix, AZ 85004-2555

1 92. Plaintiff’s requests for injunctive and declaratory relief are barred to the
2 extent they seek to regulate discretionary academic governance, committee composition,
3 or internal faculty decision-making beyond what Title VII authorizes.

4 93. Plaintiff cannot establish ongoing unlawful conduct or likelihood of future
5 harm sufficient to warrant equitable relief

6 94. Plaintiff’s claims are barred, in whole or in part, because Plaintiff’s claims
7 are frivolous and groundless and known to Plaintiff to be frivolous and groundless and
8 without foundation in fact or law.

9 95. The First Amended Complaint is limited or subject to an absolute bar as to
10 recoverable damages based on after-acquired evidence that Defendant has presently and/or
11 may acquire during the course of this litigation.

12 96. The First Amended Complaint is barred, in whole or in part, because
13 Defendant did not authorize, direct or participate in any wrongful conduct alleged therein.

14 97. The First Amended Complaint is barred, in whole or in part, by the doctrines
15 of laches, estoppel, statutes of limitations, and unclean hands.

16 98. The First Amended Complaint fails to state facts sufficient to establish a
17 claim for attorneys’ fees.

18 99. Defendant is without knowledge as to which, if any, additional affirmative
19 defenses may be supported by the facts developed through discovery and, rather than waive
20 the same, Defendant reserve the right to amend its Answer at a later time to assert any
21 matter constituting an avoidance or affirmative defense, including without limitation those
22 matters set forth in Rule 8(c) of the Federal Rules of Civil Procedure.

23 WHEREFORE, having fully answered Plaintiff’s First Amended Complaint,
24 Defendant Arizona Board of Regents, for and on behalf of the University of Arizona,
25 requests that Plaintiff’s First Amended Complaint be dismissed in its entirety, with Plaintiff
26 to take nothing thereby; that Defendant recover its reasonable costs and attorneys’ fees;
27 and for such further relief as this Court deems just.

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted this 18th day of February, 2026.

BALLARD SPAHR LLP

By: /s/ Melissa Costello
Jay A. Zweig
Melissa Costello
Mitchell Turbenson
1 East Washington Street, Suite 2300
Phoenix, Arizona 85004-2555
Attorneys for Defendant Arizona Board of Regents, for and on behalf of the University of Arizona

Ballard Spahr LLP
1 East Washington Street, Suite 2300
Phoenix, AZ 85004-2555

Ballard Spahr LLP
1 East Washington Street, Suite 2300
Phoenix, AZ 85004-2555

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that on the 18th day of February, 2026, I electronically transmitted a PDF version of this document to the Office of the Clerk of the Court, using the CM/ECF electronic filing system. A complete copy of the foregoing was sent via CM/ECF to all parties who have appeared in this case, and paper copies will be sent to those indicated as nonregistered participants.

I further certify that a copy of the foregoing was sent via e-mail this same date to:

Aaron T. Martin
Catie B. Kelley
Martin Law & Mediation PLLC
11811 N. Tatum Blvd., Suite 3031
Phoenix, Arizona 85028
aaron@martinlawandmediation.com
catie@martinlawandmediation.com

Ángel J. Valencia (*pro hac vice*)
Jesse Leon (*pro hac vice*)
Liberty Justice Center
7500 Rialto Blvd. Suite 1-250
Austin, Texas 78735
avalencia@libertyjusticecenter.org
jleon@libertyjusticecenter.org

Attorneys for Plaintiff Dr. Matthew Abraham

By: /s/ Monica Baca