

July 27, 2015 | By Jackie Carr

## Court Rules UC San Diego is Rightful Owner of Alzheimer’s Disease Cooperative Study Data

### Decision indicates strength of overall case

On Friday, July 24, Superior Court Judge Judith F. Hayes found in favor of the University of California Regents’ request for a preliminary injunction to restore rightful custody and control of Alzheimer’s Disease Cooperative Study (ADCS) data to UC San Diego.

“We never wanted to resort to legal action but when all reasonable requests to return what is the rightful property of UC San Diego were ignored there was no alternative,” said David A. Brenner, MD, vice chancellor for Health Sciences and dean of the UC San Diego School of Medicine. “We are pleased with today’s decision and believe it indicates the strength of our overall case.”



*UC San Diego rightful owner of Alzheimer’s Disease Cooperative Study.*

UC San Diego had been the steward of ADCS data for more than 24 years until administrative control of the data was unilaterally – and without authorization – taken by USC and Paul Aisen, MD. UC San Diego requested, and the court agreed, to appoint a third-party bioinformatics expert to work with a team of experts at UC San Diego to safely manage return of the data.

“We simply couldn’t accept or tolerate egregious breaches of academic, medical and legal standards of conduct as outlined in the complaint, which are against the best interests of UC San Diego, our employees, our partners and frankly against the best interests of progress against Alzheimer’s disease,” continued Brenner.

Today’s ruling focused on restoring ownership and control of UC San Diego data to UC San Diego. The original court complaint against USC, Aisen, and colleagues also seeks monetary damages and alleges breaches of fiduciary duty, interference with contract, commission of computer crimes and civil conspiracy.

“The safety and integrity of this data is UC San Diego’s ethical and contractual responsibility and one that we are defending,” said Gary S. Firestein, MD, dean and associate vice chancellor of Translational Medicine and director of the Clinical and Translational Research Institute. “Today’s court ruling should discourage predatory practices and remind faculty that universities are the recognized grant recipients.”

National Institute of Health (NIH) grants are made to institutions, not to individuals. If the original institution does not wish to relinquish a grant, they must seek NIH approval to appoint a new principal investigator (PI) to the grant. On July 16, 2015, the NIH officially approved UC San Diego’s leadership plan for principal investigators.

William Mobley, MD, PhD, and Michael Rafii, MD, PhD serve as co-directors of ADCS and principal investigators. All grants connected to ADCS remain in place with UC San Diego. ADCS represents more than 700 contracts and grants serving 70 medical centers and research clinics across the U.S. and Canada.

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