

IN THE CIRCUIT COURT OF THE 11<sup>TH</sup>  
JUDICIAL CIRCUIT, IN AND FOR  
MIAMI DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

JANE DOE,

CASE NO:

Plaintiff,

vs.

UNIVERSITY OF MIAMI, a Florida  
not for Profit Corporation,

Defendant.

\_\_\_\_\_ /

**COMPLAINT**

Plaintiff JANE DOE by and through her undersigned counsel, sues Defendant  
UNIVERSITY OF MIAMI and alleges:

1. This is an action for damages far in excess of \$15,000, exclusive of attorney's fees, interest, and costs.
2. At all times material hereto, Plaintiff JANE DOE was a minor and was resident of the Pennsylvania, a student at the University of Miami and is otherwise *sui juris*.
3. At all times material hereto, Defendant UNIVERSITY OF MIAMI is a Florida not profit corporation duly authorized to do and doing business in Miami-Dade County, Florida.
4. Venue is proper in Miami-Dade County, Florida because the incident giving rise that this incident occurred in Miami-Dade County, Florida on the campus of the UNIVERSITY OF MIAMI, and the Defendant is duly authorized to do and doing business in Miami-Dade County, Florida.

**FACTS GIVING RISE TO THIS CLAIM**

5. The minor Plaintiff arrived at the UNIVERSITY OF MIAMI as a student athlete in the sport of soccer and was placed in the Pearson Dorm at the UNIVERSITY OF MIAMI with other student athletes.

6. The minor Plaintiff had come from a small town in Pennsylvania to Miami and the UNIVERSITY OF MIAMI. When her parents said goodbye to her and left her at the UNIVERSITY OF MIAMI, they assumed that UNIVERSITY OF MIAMI would do everything it could to protect their daughter at a school well known for its athlete programs for both men and women.

7. However, in reality, the minor, JANE DOE was given little or no instructions or warnings as to security on the campus of the UNIVERSITY OF MIAMI. Further, she was under no real counseling or supervision as she began her college career.

8. It would not be until six weeks after she arrived that coaches would contact her and be able to watch over her and give her instructions as to the life of a student athlete and what was expected of her and what was expected of the university. JANE DOE was essentially on her own for the first six weeks which was all known, at all times, to all coaches, employees, administration, and other agents of the UNIVERSITY OF MIAMI.

9. The minor JANE DOE, was, an athlete in high school in Pennsylvania and she was used to going out with friends and other athletes and being watched and protected by the male student athletes should anything were to occur with regard to nonstudents or any one and that is how she grew up in her hometown in Pennsylvania. However, she found out the UNIVERSITY OF MIAMI and the student athlete situation would be very very different from what she was used to.

10. On or about July 5, 2014, the minor JANE DOE went out with some new friends that she had met to several local establishments near the UNIVERSITY OF MIAMI in Coconut Grove. The minor Plaintiff came back to the dorm, having been provided alcohol by two of the student athletes that were with her, Alexander M. Figueroa and Jawand Blue who were 19 years old and 20 years old, respectively.

11. When the minor JANE DOE came back to the dorm with Alexander M. Figueroa and Jawand Blue, she was obviously inebriated as seen on video and should have been seen and acted upon by the dorm personnel who had to check in the athletes. In reality there was no check in which occurred but a short discussion occurred which there was no practice and procedure at the UNIVERSITY OF MIAMI to protect and to ascertain the condition of the minor, JANE DOE, and all three were allowed to come in to the dorm freely and without any meaningful interrogation or questioning, even though the agent of the UNIVERSITY OF MIAMI in place in the dorm knew, or should have known that they minor JANE DOE had only been at the UNIVERSITY OF MIAMI a few days.

12. Alexander M. Figueroa and Jawand Blue took the minor Plaintiff to their room and severely sexually assaulted her and raped her numerous times without her actual or consent as she was physically helpless to resist and was unaware of what was going to happen and what in fact happened in the Pearson dorm on the campus of the UNIVERSITY OF MIAMI.

13. When the minor Plaintiff recovered somewhat, she reported the crime to the UNIVERSITY OF MIAMI and the rapes were arrested.

14. In the days and months following the rapes, a couple of UNIVERSITY OF MIAMI personnel spoke with the minor Plaintiff but there was no real significant counseling or treatment, or assistance given to the minor Plaintiff crime victim.

15. Despite bullying by the Defendants immediately after learning that the rapes had been reported as well as being abused by other students and on social media trying to protect the two rapist student athletes. Despite all of these, the minor JANE DOE is resolute and not allowing even in a horrendous crime to keep her from her goals of playing soccer and graduating at the UNIVERSITY OF MIAMI which she in fact has accomplished.

**NEGLIGENCE OF UNIVERSITY OF MIAMI**

16. The Plaintiff realleges each and every allegation contained in Paragraph 1 through 15 as fully set forth herein and further alleges:

17. At all times material hereto, Defendant UNIVERSITY OF MIAMI had a heightened duty to protect minor student athletes coming to Miami and the UNIVERSITY OF MIAMI for the first time from sexual assault, sexual abuse, rape, and other crimes where the minor Plaintiff is under the custody and control of the UNIVERSITY OF MIAMI leaving in a dormitory on the campus.

18. The UNIVERSITY OF MIAMI wrongfully breached its duty to this minor JANE DOE in the first few days that she was on the campus and in at least the following omissions or commissions:

- a. Negligently allowing minors into a dormitory where there are no protections from other student particularly other students who the UNIVERSITY OF MIAMI knows or should have known had violate tendencies;
- b. Negligently allowing minors into a dormitory where there are no protections from other student who the UNIVERSITY OF MIAMI knows or should have known had violate tendencies;

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- c. Negligently allowing minors into a dormitory where there was no meaningful guarding from being brought back into the dorm in an impaired state by two student athletes;
- d. Failing to have adequate security measures and policies in effect which would prevent a sexual assault and rape in a UNIVERSITY OF MIAMI dormitory on the premises of the UNIVERSITY OF MIAMI;
- e. Failing to apply common sense and negligently exposing female or minor students to unreasonably dangerous situations, including sexual assaults and rape;
- f. Failing to provide adequate and appropriate training to personnel checking in or otherwise observing minors coming back to the UNIVERSITY OF MIAMI dormitory, particularly when it is clear that they are in impaired state;
- g. Failing to take any and all acts that could have prevented and avoided this sexual assault and rapes in question which amounts to gross negligence;
- h. Failing to follow the UNIVERSITY OF MIAMI own safety rules, guidelines, and standards for universities which were in place at the time of the subject rapes;
- i. Failing to have the proper policies and procedures and mechanisms in place to counsel, warn, and protect the minor student athletes coming to campus of the UNIVERSITY OF MIAMI, particularly before the coaches arrived six weeks later;
- j. Failing to have any sort of systems or chaperons or other methods to

prevent under age drinking and to provide other guidelines and protections for the students who are minors arriving at the UNIVERSITY OF MIAMI;

- k. Failing to have some sort of fail safe device or warning system should a student, such as the minor JANE DOE, be attacked anywhere on the campus in the UNIVERSITY OF MIAMI but more importantly, in a dormitory owned, operated, and controlled by the UNIVERSITY OF MIAMI;
- l. Failing to have any sort of managers or security personnel roaming the halls through the dorm particularly where minor student athletes are housed during their first year at the UNIVERSITY OF MIAMI;
- m. The UNIVERSITY OF MIAMI failed to properly put in place policies and procedures to protect minor women athletes particular when the UNIVERSITY OF MIAMI knew or should have known that the problem of rape on campuses had been increasing throughout the country and should have known that the UNIVERSITY OF MIAMI would not be an exception to that disturbing trend which heightens the duty that the UNIVERSITY OF MIAMI had to JANE DOE;
- n. Violating MCAA rules regarding student athletes designed to protect student athletes before these rapes occurred; and
- o. Other acts of negligence or gross negligence that will be uncovered during discovery in this matter.

### **DAMAGES**

- 19. As a direct and proximate result of the rapes by the two UNIVERSITY OF

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MIAMI student athletes and for the above omissions or commissions by the UNIVERSITY OF MIAMI, understandably, the minor Plaintiff has sustained personal injury, pain and suffering, severe mental anguish, severe emotional distress, and diminishment of her capacity for the enjoyment of life. These injuries are continuing and permanent in nature. Furthermore, the minor Plaintiff will in the future incur future expenses for treatment by psychologist, psychiatrist, or mental health counselors.

WHEREFORE, Plaintiff JANE DOE demands judgment for damages against Defendant UNIVERSITY OF MIAMI and trial by jury of all issues triable as of right by jury.

DATED this 22<sup>nd</sup> day of June, 2018.

Respectfully submitted,

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