

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN DOE

vs.

ST. JOSEPH'S UNIVERSITY and JANE  
ROE

CIVIL ACTION

NO. 2:18-CV-02044

**ANSWER OF DEFENDANT, JANE ROE TO  
PLAINTIFF'S COMPLAINT WITH  
AFFIRMATIVE DEFENSES**

1. Denied. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments herein. Strict proof is demanded at time of trial.

2. This paragraph is not directed to Answering Defendant.

3. This paragraph is not directed to Answering Defendant.

4. Admitted.

**JURISDICTION**

5. This paragraph contains conclusions of law to which no responsive pleading is required. Strict proof is demanded at time of trial.

6. This paragraph contains conclusions of law to which no responsive pleading is required. Strict proof is demanded at time of trial.

**FACTS**

7. Denied. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments herein. Strict proof is demanded at time of trial.

8. Admitted.

9. Answering Defendant does not know if Doe knew anything about her prior to February 23, 2018. By way of further response, it is admitted that the two never met prior to this date.

10. Admitted.

11. Admitted.

12. Denied as stated. By way of further response, Answering Defendant bumped into Doe on two occasions, and the two began speaking at that time.

13. Admitted.

14. Denied as stated. By way of further response, Answering Defendant told Doe that she graduated from high school in Utah, and he responded, "Oh, you went to a rehab school" and she responded in the affirmative.

15. Denied as stated. By way of further response, Answering Defendant was clean from drugs. It is admitted that Roe was drinking alcohol at the party, some of which was given to her by Doe.

16-25. Admitted.

26. Denied as stated. By way of further response, Answering Defendant is uncertain of the reason that Doe left the room. By way of further response, Answering Defendant does not remember kissing Doe after he returned.

27. Admitted.

28. Denied as stated. By way of further response, Answering Defendant does not remember kissing Doe between leaving the room and leaving the building.

29. Denied as stated. By way of further response, Answering Defendant does not remember kissing Doe between leaving the room and leaving the building.

30. Admitted.

31. Admitted.

32. Denied. By way of further response, Answering Defendant specifically denies that all contact between the two was consensual. Strict proof is demanded at the time of trial.

33-35. Admitted.

36-103. Denied. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments herein. Strict proof is demanded at time of trial.

104. Answering Defendant is without knowledge or information sufficient to form a belief as to what Doe first learned on April 11. By way of further response, Answering Defendant denies the accuracy of the items Doe claimed to have learned in this paragraph. Strict proof is demanded at time of trial.

105-106. Denied. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments herein. Strict proof is demanded at time of trial.

107. Denied. It is specifically denied that the photographs at issue are of poor quality. Answering Defendant does not have any knowledge or information sufficient to form a belief as to the remaining averments in this paragraph, and the same are therefore denied.

108. Denied. It is specifically denied that Roe made any false statements in this matter. Strict proof is demanded at time of trial.

109. Denied. It is specifically denied that Doe did not squeeze Roe's neck.

110-192. Denied. After reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments herein. Strict proof is demanded at time of trial.

**COUNT I – PLAINTIFF v. SJU – BREACH OF CONTRACT**

193. Answering Defendant hereby incorporates all responses and all pleadings in this matter as though fully set forth at length herein.

194-251. These paragraphs are not directed to Answering Defendant.

WHEREFORE, Answering Defendant requests this Court enter judgment in their favor and against all other parties.

**COUNT II – PLAINTIFF v. SJU – VIOLATION OF TITLE IX**

252. Answering Defendant hereby incorporates all responses and all pleadings in this matter as though fully set forth at length herein.

253-340. These paragraphs are not directed to Answering Defendant.

WHEREFORE, Answering Defendant requests this Court enter judgment in their favor and against all other parties.

**COUNT III – PLAINTIFF v. SJU – INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS**

341. Answering Defendant hereby incorporates all responses and all pleadings in this matter as though fully set forth at length herein.

342-345. These paragraphs are not directed to Answering Defendant.

WHEREFORE, Answering Defendant requests this Court enter judgment in their favor and against all other parties.

**COUNT IV – PLAINTIFF v. SJU – NEGLIGENT INFLICTION OF EMOTIONAL  
DISTRESS**

346. Answering Defendant hereby incorporates all responses and all pleadings in this matter as though fully set forth at length herein.

347-356. These paragraphs are not directed to Answering Defendant.

WHEREFORE, Answering Defendant requests this Court enter judgment in their favor and against all other parties.

**COUNT V – PLAINTIFF v. SJU – UNFAIR TRADE PRACTICES AND  
CONSUMER PROTECTION LAW**

357. Answering Defendant hereby incorporates all responses and all pleadings in this matter as though fully set forth at length herein.

358-361. These paragraphs are not directed to Answering Defendant.

WHEREFORE, Answering Defendant requests this Court enter judgment in their favor and against all other parties.

**COUNT VI – PLAINTIFF v. SJU – DEFAMATION**

362. Answering Defendant hereby incorporates all responses and all pleadings in this matter as though fully set forth at length herein.

363-381. These paragraphs are not directed to Answering Defendant.

WHEREFORE, Answering Defendant requests this Court enter judgment in their favor and against all other parties.

**COUNT VII – PLAINTIFF v. ROE - DEFAMATION**

382. Answering Defendant hereby incorporates all responses and all pleadings in this matter as though fully set forth at length herein.

383. Denied. This paragraph contains conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Roe made any defamatory communication at any time. Strict proof is demanded at the time of trial.

384. Denied. This paragraph contains conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Roe made any allegations that were false or with reckless indifference to the truth or falsity of any allegation. Strict proof is demanded at the time of trial.

385-390. Denied. This paragraph contains conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Roe made any defamatory communication at any time. Strict proof is demanded at the time of trial.

391. Denied. This paragraph and its subparts contain conclusions of law to which no responsive pleading is required. By way of further response, Answering Defendant specifically denies making any defamatory communications in this matter. Strict proof is demanded at the time of trial.

392-399. Denied. This paragraph contains conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Roe made any defamatory communication at any time. Strict proof is demanded at the time of trial.

WHEREFORE, Answering Defendant requests this Court enter judgment in their favor and against all other parties.

**COUNT VIII – PLAINTIFF v. ROE – INTENTIONAL INTERFERENCE WITH  
CONTRACTURAL RELATIONS**

400. Answering Defendant hereby incorporates all responses and all pleadings in this matter as though fully set forth at length herein.

401-402. Denied. This paragraph contains conclusions of law to which no responsive pleading is required.

403. Denied. This paragraph contains conclusions of law to which no responsive pleading is required. By way of further response, it is specifically denied that Roe made any defamatory communication at any time. Strict proof is demanded at the time of trial.

404-406. Denied. This paragraph contains conclusions of law to which no responsive pleading is required. By way of further response, Answering Defendant specifically denies that she interfered with any contracts herein. Strict proof is demanded at the time of trial.

407. Denied. This paragraph contains conclusions of law to which no responsive pleading is required. By way of further response, Answering Defendant specifically denies interfering with any contract herein. Strict proof is demanded at the time of trial.

WHEREFORE, Answering Defendant requests this Court enter judgment in their favor and against all other parties.

**AFFIRMATIVE DEFENSES**

1. Plaintiff fails to state a claim for which relief can be granted.
2. Answering Defendant did not breach any material duty owed to plaintiff.

5. If any breach of duty occurred, which Answering Defendant expressly denies, plaintiff suffered no harm resulting from said breach.
6. Answering Defendant did not breach any contractual obligation owed to plaintiff.
7. Any statement made by Answering Defendant was the truth.
8. Any statement made by Answering Defendant was merely an opinion.  
Plaintiff consented to any statement by Answering Defendant.
9. Answering Defendant had an absolute privilege with respect to any statement.
10. Answering Defendant had a qualified privilege with respect to any statement.
11. Answering Defendant asserts her rights afforded by the Fifth Amendment to the United States Constitution.

**MINTZER, SAROWITZ, ZERIS, LEDVA  
& MEYERS, LLP**

BY: /s/ Susan R. Engle  
SUSAN R. ENGLE, ESQUIRE  
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**MSZL&M File No. 004150.000009**



**CERTIFICATE OF SERVICE**

I, SUSAN R. ENGLE, ESQUIRE, do hereby certify that a true and correct copy of the within **ANSWER WITH AFFIRMATIVE DEFENSES** was forwarded by the Court's electronic notification on the 18<sup>th</sup> day of June, 2018 follows:

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/s/ Susan R. Engle  
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