

IN THE COURT OF CLAIMS
FRANKLIN COUNTY, OHIO

JANE DOE)
92 W. 11th Avenue)
Columbus, Ohio 43210,)

CASE NO.)
JUDGE)

Plaintiff,)
vs.)

**COMPLAINT FOR
MONEY DAMAGES**

OHIO STATE UNIVERSITY BOARD)
OF REGENTS)
30 East Broad St., 36th Floor)
Columbus, Ohio 43215-3414)

and)

OHIO STATE UNIVERSITY)
190 North Oval Mall)
205 Bricker Hall)
Columbus, Ohio 43210)

and)

JEREMY GOLDSTEIN)
3313 East 13th Ave.)
Columbus, Ohio 43201)

Defendants.)

First Claim

Now comes the plaintiff, by and through undersigned counsel, and for her
Complaint against the defendants, states as follows:

1. On or about January 22, 2002, Plaintiff, Jane Doe (true identity withheld)
was a student residing at a dormitory at the Ohio State University.

2. On that same date, the Ohio State University Board of Regents was in charge of the oversight and operation of all facilities and services belonging to and rendered by the Ohio State University, including the dormitories, campus security, security policies, sexual harassment policies, disciplinary policies regarding students alleged to have committed criminal offenses and the like.

3. On or about the same date, Defendant, Jeremy Goldstein, was a male student enrolled in the Ohio State University and resided in an Ohio State University campus dormitory.

4. On or about February 22, 2002, Defendant, Jeremy Goldstein, sexually assaulted, molested and raped Plaintiff, Joe Doe.

5. Nineteen days earlier, on February 3, 2002, Defendant, Jeremy Goldstein, was the subject of a complaint of alleged rape that he committed upon another female student.

6. This earlier, February 3, 2002 complaint of rape, was duly and properly reported to the Ohio State University authorities.

7. Despite rules and regulations promulgated by Defendant Ohio State University that require the removal from campus property pending further investigation of any student alleged to have committed a serious offense such as rape, Defendant, Jeremy Goldstein, was neither suspended nor removed from university grounds pending investigation and, thus, was in position to commit the brutal rape upon plaintiff herein.

8. Defendant, Ohio State University Board of Regents, was negligent in its failure to follow and/or enforce certain safety rules and guidelines that have been promulgated by the Ohio State University with regard to the handling of students who are the subject of complaints of alleged serious offenses, including rape.

9. Defendant, Ohio State University Board of Regents, was also negligent in its failure to implement reasonable safety/security measures, as it related to Defendant, Jeremy Goldstein, despite actual notice of a complaint of alleged rape against said student, occurring several weeks prior to Defendant Goldstein's rape of plaintiff herein.

10. Defendant, Ohio State University Board of Regents, was further negligent in failing to warn appropriate personnel, employees and students of the dangerous condition which existed on its campus, wherein a student who was the subject of a complaint of alleged forcible rape was permitted to freely circulate throughout the campus community.

11. In light of Defendant, Ohio State University Board of Regent's failure to follow and enforce safety rules and/or failure to warn or implement reasonable safety measures, it was also negligent in failing to provide inadequate security to the dormitories wherein students resided under circumstances where it permitted another student, who was the subject of a complaint of alleged rape, to circulate freely throughout the campus community.

12. At all times relevant, Defendant, Ohio State University Board of Regents was negligent in that it was foreseeable as a result of the above facts and

circumstances that serious harm was likely to occur to someone such as the plaintiff, as a result of the failure to address the complaint of alleged rape against Defendant Goldstein.

13. As a direct and proximate result of the negligence of Defendant, Ohio State University Board of Regents, plaintiff has sustained severe and permanent emotional and physical injury to her body and psyche. Moreover, plaintiff has incurred medical expenses and other out-of-pocket expenses for the treatment of these injuries and expects to incur further such expenses into the indefinite future.

14. As a further direct and proximate result of the negligence of Defendant, Ohio State University Board of Regents, plaintiff has lost wages from her place of employment, has had her earnings capacity diminished, has experienced loss of enjoyment of life and has otherwise suffered great pain of both body and mind.

Second Claim

15. Paragraphs 1 through 14 are herein incorporated as if fully rewritten herein.

16. At all times relevant, Defendant, Ohio State University Board of Regents, was so reckless in its failure to address the prior complaint of alleged rape against Defendant, Jeremy Goldstein, that such recklessness constitutes intentional conduct as a matter of law.

17. Further, Defendant, Ohio State University Board of Regent's actions in failing to remove Defendant Goldstein or to otherwise appropriately address the

prior complaint of rape against Defendant Goldstein was outrageous and utterly intolerable in a civilized society.

18. Defendant, Ohio State University Board of Regent's, failure to take appropriate measures against Defendant Goldstein under circumstances, where he was the subject of a prior alleged rape, was likely and/or substantially certain to result in the infliction of severe emotional distress upon the plaintiff.

19. Plaintiff did indeed sustain severe emotional distress as a result of the outrageous and reckless infliction of emotional distress perpetrated by Defendant, Ohio State University Board of Regents.

Third Claim

20. Paragraphs 1 through 19 are hereby incorporated as if fully rewritten herein.

21. Defendant, Jeremy Goldstein, either negligently, recklessly or intentionally engaged in acts of non-consensual sex with the plaintiff.

22. Defendant Goldstein knew or reasonably should have known that his sexual advances were unwelcome and unwelcomed by and unconsented to by the plaintiff.

23. As a direct and proximate result of the reckless negligence and/or intentional actions of Defendant Goldstein in forcing non-consensual sex upon the plaintiff, the latter has sustained severe and permanent injury to both her body and psyche.

24. As a further direct and proximate result of the recklessly negligent and/or intentional conduct of Defendant Goldstein, plaintiff has incurred medical and other out-of-pocket expenses for the treatment of her injuries and reasonably expects to incur further such expenses into the indefinite future.

25. As a further direct and proximate result of the recklessly intentional and recklessly negligent and/or intentional conduct of Defendant Goldstein, plaintiff has lost wages from her place of employment, experienced the loss of enjoyment of life, has had earnings capacity diminished and has otherwise suffered great pain of both body and mind.

WHEREFORE, Plaintiff demands judgment against each defendant in an amount greatly in excess of Twenty-Five Thousand Dollars and further prays that each defendant be assessed the costs of this action.

Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JANE DOE
92 W. 11th Avenue
Columbus, Ohio 43210,

Plaintiff,
vs.

OHIO STATE UNIVERSITY BOARD
OF REGENTS
30 East Broad St., 36th Floor
Columbus, Ohio 43215-3414

and

OHIO STATE UNIVERSITY
190 North Oval Mall
205 Bricker Hall
Columbus, Ohio 43210

and

JEREMY GOLDSTEIN
3313 East 13th Avenue
Columbus, Ohio 43201

Defendants.

) CASE NO.

) JUDGE

) **COMPLAINT**

) **(A Jury Demand is Endorsed
Hereon)**

I. **JURISDICTION**

1. The basis of jurisdiction is 28 U.S.C. § 1337, which confers jurisdiction of actions arising under acts of Congress, regulating commerce in the District Court of the United States. This action is brought pursuant to Title IX of the Education Acts of 1972, as amended, 20 U.S.C. § 1681(a), *et seq.*

II. VENUE

2. Venue is based upon 28 U.S.C. § 1391(b). All of the parties are residents of the State of Ohio. The claim asserted by the plaintiff arose in Ohio and the defendant is presently doing business in the judicial district for the Northern District of Ohio.

III. PARTIES

3. Plaintiff resides at 92 West 11th Avenue, Columbus, Ohio 43210. At all times concerned, plaintiff was a fulltime matriculating student at Defendant Ohio State University. The address set forth above is plaintiff's dormitory residence.

4. Defendant Ohio State University Board of Regents are in charge of the oversight and operation of all facilities and services belonging to and rendered by the Ohio State University, including the dormitories, campus security, security policies, sexual harassment policies, and disciplinary policies regarding students alleged to have committed criminal offenses and the like. Moreover, the Ohio State University Board of Regents is a subdivision of the State of Ohio.

5. Ohio State University is a university of higher education organized and operated by the State of Ohio and the Ohio State University Board of Regents. Its main office is located at 190 North Oval Mall, 205 Bricker Hall, Columbus, Ohio 43210.

6. Defendant, Jeremy Goldstein, resides at 3313 East 13th Avenue, Columbus, Ohio 43201. At all times relevant, Defendant Goldstein was a fulltime matriculating student at Defendant Ohio State University.

IV. FIRST CLAIM

7. Paragraphs 1 through 6 are hereby incorporated by reference as if fully rewritten herein.

8. On or about February 22, 2002, Defendant, Jeremy Goldstein, sexually assaulted, molested and raped Plaintiff, Jane Doe.

9. Nineteen days earlier, on February 3, 2002, Defendant, Jeremy Goldstein, was the subject of a complaint of alleged rape that he had committed upon another female student.

10. This earlier, February 3, 2002 complaint of rape, was duly and properly reported to the Ohio State University authorities.

11. Despite rules and regulations promulgated by Defendant Ohio State University that required the removal from campus property, pending further investigation of any student alleged to have committed a serious offense such as rape, the Defendant, Jeremy Goldstein, was neither suspended nor removed from the University grounds pending investigation and, thus, was in a position to commit the brutal rape upon plaintiff herein.

12. Accordingly, pursuant to Title IX, plaintiff was subjected to severe, pervasive and objectively offensive harassment to the extent that it deprived her of access to the educational opportunity or benefits provided by the Ohio State University.

13. At all times relevant, Defendants Ohio State University Board of Regents and Ohio State University had actual knowledge of the sexual harassment, which was being perpetrated by Defendant, Jeremy Goldstein.

14. Despite the fact that Defendants Ohio State University Board of Regents and Ohio State University had actual knowledge of the sexually harassing conduct engaged in by Defendant, Jeremy Goldstein, said Defendants were deliberately indifferent to Goldstein's criminal behavior and sexual harassment.

15. As a direct and proximate result of the deliberate indifference to the sexual harassment committed by Defendant, Jeremy Goldstein, by Defendants Ohio State University Board of Regents and Ohio State University, plaintiff was subjected to harassment so severe, pervasive and objectionably offensive that it deprived her of access to the educational opportunity or benefit provided by Ohio State University in violation of Title IX of the Education Act of 1972, as embodied in 20 U.S.C. § 1681(a), *et seq.*

16. As a direct and proximate result of Defendant Ohio State University Board of Regents and Ohio State University, violation of plaintiff's Title IX rights, plaintiff has sustained severe and permanent emotional and physical injury to her body and psyche. Moreover, plaintiff has incurred medical expenses and other out-of-pocket expenses for the treatment of these injuries and expects to incur further such expenses into the indefinite future.

17. As a further direct and proximate result of the violation of plaintiff's Title IX rights by Defendants Ohio State University and Ohio State University Board of

Regents, plaintiff has lost wages from her place of employment, has had her earnings capacity diminished, has experienced a loss of enjoyment of life and has otherwise suffered great pain of both body and mind.

V. SECOND CLAIM

18. Paragraphs 1 through 17 are herein incorporated as if fully rewritten herein.

19. Defendants, Ohio State University Board of Regents and Ohio State University, were negligent in their failure to follow and/or enforce certain safety rules and guidelines that have been promulgated by the Ohio State University, with regard to the handling of students who are the subject of complaints of alleged serious offenses, including rape.

20. Defendants, Ohio State University Board of Regents and Ohio State University, were also negligent in their failure to implement reasonable safety/security measures, as it related to Defendant, Jeremy Goldstein, despite actual notice of a complaint of alleged rape against said student occurring several weeks prior to Defendant Goldstein's rape of plaintiff herein.

21. Defendants, Ohio State University Board of Regents and Ohio State University, were further negligent in failing to warn appropriate personnel, employees and students of the dangerous condition, which existed on its campus, wherein a student, who is the subject of a complaint of alleged forcible rape, was permitted to freely circulate throughout the campus community.

22. In light of Defendants, Ohio State University Board of Regents and Ohio State University's failure to follow and enforce safety rules and/or failure to warn or implement reasonable safety measures, they were also negligent in failing to provide adequate security to the dormitories wherein students resided under circumstances where they permitted another student, who was the subject of a complaint of alleged rape, to circulate freely throughout the campus community.

23. At all times relevant, Defendants, Ohio State University Board of Regents and Ohio State University, were negligent in that it was foreseeable as a result of the above facts and circumstances that serious harm was likely to occur to someone such as the plaintiff as a result of the failure to address the complaint of alleged rape against Defendant Goldstein.

24. As a direct and proximate result of the negligence of Defendants, Ohio State University and Ohio State University Board of Regents, plaintiff has sustained severe and permanent emotional and physical injury to her body and psyche. Moreover, plaintiff has incurred medical expenses and other out-of-pocket expenses for the treatment of these injuries and expects to incur further such expenses into the indefinite future.

25. As a further direct and proximate result of the negligence of Defendants, Ohio State University and Ohio State University Board of Regents, plaintiff has lost wages from her place of employment, has had her earnings capacity diminished, has experienced loss of enjoyment of life and has, otherwise, suffered great pain of both body and mind.

VI. THIRD CLAIM

26. Paragraphs 1 through 25 are hereby incorporated as if fully rewritten herein.

27. At all times relevant, Defendant, Ohio State University Board of Regents, was so reckless in its failure to address the prior complaint of alleged rape against Defendant, Jeremy Goldstein, that such recklessness constitutes intentional conduct as a matter of law.

28. Further, Defendant, Ohio State University Board of Regent's actions in failing to remove Defendant Goldstein or to otherwise appropriately address the prior complaint of rape against Defendant Goldstein was outrageous and utterly intolerable in a civilized society.

29. Defendant, Ohio State University Board of Regent's, failure to take appropriate measures against Defendant Goldstein under circumstances, where he was the subject of a prior alleged rape, was likely and/or substantially certain to result in the infliction of severe emotional distress upon the plaintiff.

30. Plaintiff did indeed sustain severe emotional distress as a result of the outrageous and reckless infliction of emotional distress perpetrated by Defendant, Ohio State University Board of Regents.

VII. FOURTH CLAIM

31. Paragraphs 1 through 30 are hereby incorporated as if fully rewritten herein.

32. Defendant, Jeremy Goldstein, negligently, recklessly or intentionally engaged in acts of non-consensual sex with the plaintiff.

33. Defendant Goldstein knew or reasonably should have known that his sexual advances were unwelcome and unwelcomed by and unconsented to by the plaintiff.

34. As a direct and proximate result of the reckless negligence and/or intentional actions of Defendant Goldstein in forcing non-consensual sex upon the plaintiff, the latter has sustained severe and permanent injury to both her body and psyche.

35. As a further direct and proximate result of the recklessly negligent and/or intentional conduct of Defendant Goldstein, plaintiff has incurred medical and other out-of-pocket expenses for the treatment of her injuries and reasonably expects to incur further such expenses into the indefinite future.

36. As a further direct and proximate result of the recklessly intentional and recklessly negligent and/or intentional conduct of Defendant Goldstein, plaintiff has lost wages from her place of employment, experienced the loss of enjoyment of life, has had earnings capacity diminished and has otherwise suffered great pain of both body and mind.

WHEREFORE, Plaintiff demands judgment against each defendant in the amount of Three Million Dollars as compensatory damages and in the additional amount of Three Million Dollars as punitive damages, together with the costs of this action.

Respectfully submitted,

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JURY DEMAND

Pursuant to Rule 38(B) of the Federal Rules of Civil Procedure, a trial by jury is respectfully requested on all the issues presented herein.

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