

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Case No. 23-cv-1149

JOHN DOE,

Plaintiff,

v.

JANE ROE,

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiff, by and through his attorney, Laura A. Menninger of Haddon, Morgan & Foreman, hereby submits his Complaint and Jury Demand against Defendant Jane Roe as follows:

I. INTRODUCTION

1. Plaintiff John Doe has been severely injured – emotionally, reputationally and financially – by the false allegations of sex assault and college expulsion levied at him by his former girlfriend, Jane Roe.

2. After exhausting other avenues for redress, he now seeks through this action to vindicate his rights to the truth and to be free from Jane Roe’s malicious and defamatory lies.

II. PARTIES

3. Plaintiff John Doe is an individual who is a citizen of, and residing in, the state of California. During the relevant time period, he was an undergraduate student living temporarily in Colorado.

4. Upon information and belief, Defendant Jane Roe is an individual residing in New Orleans, Louisiana as an undergraduate student who otherwise is a citizen of New York.

III. JURISDICTION AND VENUE

5. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1332(a)(1) as the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States.

6. This case is instituted in the United States District Court for the District of Colorado pursuant to 28 U.S.C. § 1391 as the judicial district in which all relevant events occurred.

IV. STATEMENT OF FACTS

7. From November 2020 until October 2021, John Doe and Jane Roe dated while both were students at Tulane University in New Orleans, Louisiana.

8. For nearly a year, Jane Roe chose to live with John Doe in an apartment shared with two other undergraduate students.

9. During their relationship, John Doe and Jane Roe engaged in social events with numerous other students.

10. John Doe and Jane Roe had consensual sexual contact during the course of their relationship.

11. In October 2021, the couple broke up.

12. Jane Roe complained thereafter to Tulane that John Doe had repeatedly contacted her. At no point during any of Jane Roe's communications with Tulane about John Doe did she claim that he had sexually assaulted or raped her.

13. Jane Roe, at the same time, could and did report to Tulane that she had been sexually assaulted by another individual -- a Tulane fraternity member, not John Doe.

14. On November 16, 2021, John Doe and Jane Roe received mutual no-contact orders issued by Tulane.

15. Jane Roe, with her attorney, also requested a protection order from the Orleans Parish, Louisiana civil courts. Jane Roe checked various boxes related to stalking, harassment, shoving and threats. Jane Roe did not allege that John Doe had “sexually abused” her although there was a box to check for this ground for a protection order.

16. In her request for a protection order, Jane Roe and her attorney attached an 18-paragraph “Addendum” of allegations; not once did Jane Roe claim she had been “sexually assaulted” or “raped.”

17. Jane Roe affirmed under penalty of perjury that the allegations in the petition were “true and correct to the best of [her] knowledge, information and belief.”

18. Thereafter, John Doe and Jane Roe entered into two voluntary agreements.

19. First, Jane Roe agreed to a Consent Order and Injunction in the Civil District Court in the Parish of Orleans, Louisiana. As a part of that Consent Order, Jane Roe agreed that the No Contact Order issued by Tulane University of November 16, 2021 “is made permanent.” John Doe for his part agreed to withdraw from Tulane and to refrain from enrolling at Tulane until after Jane Roe was no longer a student there.

20. Second, John Doe and Jane Roe agreed to engage in the informal resolution process at Tulane. At Jane Roe’s demand, John Doe agreed to voluntarily withdraw from Tulane and cease contact with Jane Roe.

21. Since then, John Doe fully complied with all of these stipulated agreements. He withdrew from Tulane, left Louisiana, and refrained from any contact with Jane Roe.

22. For the avoidance of doubt, John Doe never sexually assaulted Jane Roe. Likewise, John Doe was never “kicked out of” Tulane University.

23. After a period of reflection, John Doe enrolled in August 2022 at Front Range Community College in Boulder, Colorado, more than 1,300 miles away from Jane Roe at Tulane and nearly 1,800 miles away from her home in New York.

24. He had the intention of transferring to University of Colorado, Boulder after one year.

25. John Doe began his course of studies and sought out new friends.

26. He did not contact Jane Roe or follow her on social media.

27. He rushed a fraternity at University of Colorado Boulder and asked to pledge that fraternity. He paid his dues to the fraternity.

28. Just days after his official fraternity bid was received, in late September 2022, Jane Roe caused a number of false, defamatory and malicious texts to be sent to the fraternity social chairs.

29. In particular, Jane Roe texted the Boulder fraternity’s social chairs:

a. “I dated [John Doe] for almost a year and I can say confidently that he is not the kind of person who belongs in a frat. He is an emotionally unstable, aggressive person who made my life a living hell for months.”

b. John Doe “transferred to Boulder because he got kicked out of Tulane.”

c. “During our relationship, [John Doe] sexually assaulted and raped me countless times. I was basically not allowed to say no to sex, if I said no he would ask and ask and ask until I eventually gave in and said yes just to make him stop asking, even though I did not want to have sex.”

d. “He forced me to have sex with him multiple times a day, everyday, and would guilt me and say there was something mentally wrong with me if I tried to say no.”

e. “I have woken up to him straddling me and masturbating on top of my sleeping body multiple times. He once told me he preferred when I got drunk because that was the only time I was horny for him which was not true, I never wanted to have sex with him, it was just easier for him to have sex with me because I couldn’t put up as much of a fight.”

f. “He forced me into very uncomfortable sexual situations, forcing me to do painful things which I objected to, but he did anyway, despite my clearly saying no multiple times.”

g. “He was abusive in every way, he has been physically violent with me, threatened my friends and family and attempted to cut me off from every person in my life.”

h. “I was forced to get a restraining order against him through the state of Louisiana. That is why he is at Boulder, not through his own choice, but because he was kicked out of Tulane for rape and stalking.”

i. “If he would do those things to me, he will do them to another girl. He is a threat to every woman’s safety on that campus.”

j. “I am not seeking to ruin his life...I believe people can change and I hope that one day he does, but given how recent these events are, I do not believe that it is safe for the girls on campus to be around someone like him.”

30. Jane Roe’s malicious and false claims had their desired effect: John Doe was terminated immediately from the fraternity based entirely on Jane Roe’s text messages.

31. The college friends he had made over the previous six weeks “cancelled him” – disallowing him from spending any time with them or at the fraternity. They refused to return his deposit paid a couple of days earlier.

32. The fraternity members then spread Jane Roe’s malicious lies to numerous other students on campus, who proceeded to bully and ostracize John Doe.

33. After multiple attempts to clear his name on campus, John Doe was forced to withdraw and return home to California.

34. Since that time, Jane Roe has returned to the campus at Tulane University and published her false and malicious lies to numerous students there. Jane Roe has done so maliciously with an intent to cause emotional and psychological harm to John Doe, especially by targeting his friends at Tulane.

FIRST CAUSE OF ACTION
(Defamation *Per Se* and *Per Quod*)

35. John Doe incorporates all allegations contained in this complaint as if fully set forth herein.

36. As set forth above, Jane Roe published false information regarding John Doe, including the false statements in the text messages to the fraternity social chairs.

37. The false information includes Jane Roe’s statements that: (1) John Doe sexually assaulted and raped Jane Roe; (2) John Doe was “kicked out of Tulane for rape”; and (3) John Doe threatened Jane Roe’s friends and family and attempted to cut Jane Roe off from every person in her life.

38. At the time of publication, Jane Roe knew the statements were false or made the statements with reckless disregard as to whether they were false.

39. John Doe suffered, and continues to suffer, damages as a direct and proximate result of Jane Roe’s actions.

SECOND CAUSE OF ACTION
(Intrusion on Seclusion)

40. Jane Roe intentionally intruded on John Doe’s seclusion and solitude at school and in his fraternity in Boulder, Colorado.

41. Jane Roe did so by following John Doe’s social media, identifying where he had enrolled in school following his withdrawal from Tulane, and reaching out to intentionally damage and destroy his college and social experience at the new school.

42. Jane Roe’s intrusion would be considered offensive by a reasonable person.

43. John Doe suffered, and continues to suffer, damages as a direct and proximate result of Jane Roe’s actions.

THIRD CAUSE OF ACTION
(Unreasonable Disclosure of Private Facts)

44. Jane Roe publicly disclosed facts about John Doe that were private in nature, including his voluntary withdrawal from Tulane which she falsely claimed amounted to being “kicked out” of the school and her detailed claims about their consensual sexual relationship.

45. Jane Roe made the disclosure publicly to fraternity social chairs with the intent and purpose of having them re-publish the facts to the wider college and community public at large.

46. The disclosure of these private facts would be highly offensive to a reasonable person.

47. The disclosed facts were not of legitimate concern to the public.

48. Jane Roe disclosed the facts with reckless disregard of the private nature of the facts disclosed.

PRAYER FOR RELIEF

WHEREFORE, John Doe prays that judgment be entered in his favor and against Jane Roe as follows:

- A. Judgment against Jane Roe for all damages caused by Jane Roe's actions, including but not limited to the serious and sustained emotional distress suffered by John Doe;
- B. Prejudgment and post-judgment interest;
- C. Costs of litigation;
- D. Reasonable attorneys' fees; and
- E. All other relief the Court deems just and proper.

JOHN DOE DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Dated: 5/5/2023

Respectfully submitted,

s/ Laura Menninger

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CERTIFICATE OF SERVICE

I hereby certify that on 5/5/2023, I electronically filed the foregoing *Complaint and Jury Demand* with the Clerk of Court using the CM/ECF system which will send notification of such filing to all parties of record.

s/ Savanna Benninger

Legal Assistant