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RICHARD W. ASHBA, CLERK
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IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

JANE DOE,)
)
 Plaintiff,)
)
 v.)
)
 BELMONT UNIVERSITY,)
)
 Defendant.)

No. 09C4312
Jury Trial Demand

COMPLAINT

Plaintiff Jane Doe brings this case seeking just compensation and punitive damages for the injuries and trauma she suffered and continues to suffer as the result of a brutal assault and rape perpetrated by an unknown assailant while Jane Doe was a student residing in on-campus housing owned, operated, and maintained by Defendant Belmont University. Belmont University provided inadequate security for student residents such as Jane Doe, in light of the known and foreseeable risk of such assaults, despite the heightened duty of care the University owed its student residents. For cause of action herein, Plaintiff Jane Doe states:

1. Jane Doe is a citizen and resident of Tennessee and is currently enrolled as a student at Belmont University. Plaintiff Doe was a second-year student at Belmont University residing in Belmont University's on-campus student housing at the time of the assault that resulted in the injuries complained of herein. Plaintiff is identified by pseudonym to minimize further emotional trauma.

2. Defendant Belmont University is a non-profit corporation organized and existing under the laws of the State of Tennessee, with its principal place of business in Nashville, Davidson County, Tennessee. Belmont University promised to provide a safe and secure

environment for its students, and particularly for those students who resided in Belmont University's on-campus residential facilities.

3. Venue is appropriate in this Court pursuant to T.C.A. § 20-4-101, because Belmont University's principal place of business is in Davidson County, Tennessee, and Jane Doe's cause of action arose in Davidson County, Tennessee.

4. As part of the services and environment it purported to offer prospective students considering whether to enroll in and attend Belmont University, Defendant promoted its campus as a safe and secure environment for college-age students. For example, Belmont University's Web site claimed the University had a professional campus security force that provided patrols of campus, camera monitoring, and trained emergency response personnel.

5. Belmont University required its students to live in on-campus housing during their first two years at Belmont University. Defendant Belmont University promoted its residential facilities as safe and secure housing for its students. For example, among other things, Belmont University's Web site stated that Bruin Hills (the residential facility where Jane Doe resided at the time of the incident described herein) was a gated community with access through both driving and pedestrian gates, and that the complex was supported by five Residence Assistants and one full-time professional Residence Director. Belmont University intentionally made these statements on its Web site despite actual knowledge that the security gates had been disabled and/or disengaged.

6. Belmont University assumed responsibility for the safety and security of its student residents, particularly those who, like Jane Doe, were required to live in its on-campus residential facilities. Belmont University knew the vast majority of its on-campus residents were young adults, most of who were living away from their parents for the first time.

7. During the Fall 2008 Semester, Jane Doe resided in Bruin Hills, an on-campus residential facility owned, operated, and maintained by Belmont University. Based at least in part on the representations of Belmont University, Jane Doe believed Bruin Hills was a safe place to live.

8. Belmont University assumed responsibility for the safety, security, and maintenance of Bruin Hills and the safety and security of its student residents.

9. Despite its assurances of a safe environment for its students and on-campus residents, Belmont University failed to provide adequate security and safety for its student residents, even though Belmont University knew or should have known of the foreseeable risk of criminal activity such as burglary and assault in its on-campus residential facilities.

10. Belmont University failed to provide adequately for the security and safety of its students and on-campus residents in the manner customary at other universities. For example, among other things, Belmont University failed to maintain and/or repair the security gates to its residential facilities, which were broken and/or disengaged and/or disabled all or practically all of the Fall 2008 Semester; provide adequate door locks and other security features for its residential facilities, such as those commonly provided for residential facilities at other universities; provide adequate security personnel to patrol and/or monitor its residential facilities; adequately train its security personnel as to the proper protection against and response to on-campus sexual assaults; properly instruct and train its Resident Assistants with regards to the safety and security of the on-campus residents they had an obligation to protect, including the need to respond appropriately to emergency situations and cries of distress; advertise and promote the use of an escort service for female students who needed to walk alone across

campus at night; and properly inform and educate its young adult students about the risks of on-campus criminal activity and proper preventive and security measures.

11. With respect to the security gates to the Bruin Hills residential facilities, Defendant Belmont University intentionally and with reckless disregard for its student residents disabled and/or turned off the security gates because they were expensive to maintain.

12. Early in the morning of December 5, 2008, an unidentified intruder gained access to Jane Doe's Bruin Hills residence and forcibly sexually assault her over a period of several minutes.

13. Despite Jane Doe's cries, no Residence Assistant came to her aid until several minutes after her assailant had fled the scene. Nor did Belmont University's security personnel arrive until several minutes after the assailant had fled the scene.

14. Subsequent to Jane Doe's sexual assault in one of its residential facilities, Belmont University sent e-mail announcements to its students intentionally misrepresenting the nature and extent of the incident so as to minimize the perception of harm and/or danger to its students.

15. As a result of the assault, Jane Doe contracted a sexually transmitted disease and sustained severe mental and emotional trauma, for which she continues to require medical treatment and psychiatric services. As a result of the injuries she sustained, Plaintiff Doe was hospitalized for several days and she is still required to take several medications, including anti-depressants, anti-anxiety medication, and sleeping aids. Plaintiff Doe still suffers frequent panic attacks and she cannot sleep through the night without the lights on and the support of friends or family.

**Liability for Belmont University's Failure to Provide for the Safety of its
On-Campus Student Residents**

16. Plaintiff Jane Doe hereby incorporates by reference the allegations contained in Paragraphs 1 through 15 of this Complaint as if fully set forth herein.

17. As a result of the distinctive relationship between colleges and their students, Defendant Belmont University owed a heightened duty of care to all of its students, and particularly those required to live in on-campus residential facilities, such as Jane Doe. The threat of sexual assault and other similar criminal acts to resident students was both obvious and foreseeable to Belmont University. Belmont University had a duty to provide safeguards and protections against such criminal activity for its student residents, many of whom Belmont University knew or should have known had never previously lived away from their parents and were not fully conscious of the dangers they faced. Moreover, Belmont University's student residents did not have the ability or authority to install additional security measures and Belmont University knew or should have known that its student residents relied on Belmont University to provide adequate safety and security.

18. In willful and wanton disregard of its clear duty to its student residents, Belmont University consciously chose to disable and/or disengage the security gates to Bruin Hills. Belmont University further failed to provide adequate door locks and other security features for its residential facilities, provide adequate security personnel to patrol and/or monitor its residential facilities, adequately train security personnel as to the proper response to on-campus sexual assaults, instruct and train its Residence Assistants with regards to the safety and security of on-campus residents, and properly inform and educate its young adult students about the risks of on-campus criminal activity.

19. As the direct and proximate result of Belmont University's willful, wanton, reckless, and negligent conduct and conscious disregard for the safety of its on-campus student residents, Plaintiff Jane Doe has suffered and continues to suffer severe physical, emotional, and mental injuries.

20. In addition to compensatory damages, Belmont University's misconduct is such as to entitle Jane Doe to the imposition of punitive damages against Defendant Belmont University in an amount sufficient to punish Belmont University and to deter Belmont University and others similarly situated from ever engaging in similar misconduct again.

WHEREFORE, premises considered, Plaintiff respectfully demands the following:

1. That proper process issue and be served upon Defendant Belmont University, and that Defendant be required to appear and answer this Complaint within the time required by law;

2. That Plaintiff Jane Doe be awarded a judgment against Defendant Belmont University for compensatory damages in an amount sufficient to compensate Plaintiff Doe for the harm she has suffered and will continue to suffer;


3. That Plaintiff Jane Doe be awarded a judgment against Defendant Belmont University for punitive damages in an amount sufficient to adequately punish Belmont University for its misconduct and to deter Belmont University and others similarly situated from ever engaging in similar misconduct again.

4. That a jury be empanelled to hear this cause; and

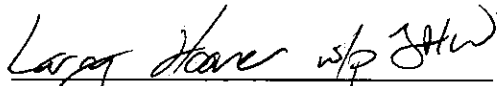
5. That Plaintiff Jane Doe be awarded such other and further general relief to which the Court may deem her entitled.

Respectfully submitted,

NEAL & HARWELL, PLC

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