

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 16-____-CV-____

<p>JANE DOE,</p> <p>Plaintiff,</p> <p>vs.</p> <p>ADAM MORGAN DRISIN,</p> <p>Defendants.</p> <p>_____ /</p>	
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COMPLAINT AND DEMAND FOR TRIAL BY JURY

Plaintiff, JANE DOE, by and through undersigned counsel, sues Defendant, ADAM MORGAN DRISIN, and states:

PARTIES

1. Plaintiff, JANE DOE is a domiciliary of the Commonwealth of Puerto Rico and is otherwise *sui juris*.

2. At all material times, Defendant Adam Morgan Drisin was and is a domiciliary of the State of Florida.

JURISDICTION AND VENUE

3. This Court has original jurisdiction over the instant case pursuant to 28 U.S.C. § 1332 because the action involves citizens of different states and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

4. Venue is proper in the Southern District of Florida pursuant to 28 U.S.C. § 1391(b)(1) as the Defendant is a resides within the Southern District of Florida and is resident and domiciliary of the State of Florida.

5. All conditions precedent to the commencement of this action have, either been satisfied, performed, excused, waived or have otherwise occurred.

FACTUAL ALLEGATIONS

6. In the fall of 2014, JANE DOE was a student in the College of Architecture and Arts at Florida International University (“FIU”).

7. In the fall of 2014, Adam Morgan Drisin was the Senior Associate Dean of the College of Architecture and Arts at FIU (“Dean Drisin”).

8. For over a decade, FIU has offered its students in the College of Architecture and Arts the opportunity to study architecture abroad in Genoa, Italy.

9. In the fall of 2014, JANE DOE was one of many FIU students who spent the entire semester studying architecture in Genoa, Italy.

10. In December of 2014, while JANE DOE and the other students were nearing the conclusion of the study abroad program, Dean Drisin, a married man, arrived in Genoa, Italy ostensibly to check on the status and progress of the students.

11. From on or about the night of December 12, 2014 through the early morning hours of December 13, 2014, JANE DOE and the other students enrolled in the study abroad program and approximately eight (8) FIU faculty members including Dean Drisin, were celebrating the conclusion of the semester-long study abroad program at a local restaurant. Later, the majority of the students and 2-4 faculty members went to a bar.

12. Not surprisingly, the celebration at dinner and later at the bar involved the participants enjoying drinks until the early morning hours of December 13, 2014.

13. On December 13, 2014, at approximately 2:00a.m. JANE DOE and two of her

Classmates decided to call it a night and go back to their apartment. However, Dean Drisin claimed that he did not know how to get back to his apartment from the bar and asked the three students to show him how to get home.

14. Once the female students and Dean Drisin arrived at his building, one or more of the students needed to use the bathroom and all four of them went upstairs to Dean Drisin's apartment. Once in Dean Drisin's apartment, he offered all three students more alcoholic beverages in the form of Bailey's Liqueur and they accepted.

15. One of the female students (**Student 1**) was lying down in the middle of the bed, while JANE DOE and Dean Drisin were having a professional conversation on the other side. Dean Drisin was lying on a pillow at the top of the bed, while JANE DOE was sitting on the floor, fully clothed, near Dean Drisin.

16. After drinking the Bailey's, one of the female students (**Student 2**) either naturally fell asleep at the bottom of the bed or became cataleptic (until approximately 9:00a.m.) as result of a foreign substance being put in her Bailey's.

17. Then JANE DOE recalls becoming drowsy. However, before either falling asleep naturally or likewise becoming cataleptic (until approximately 9:00a.m.) as result of a foreign substance being put in her Bailey's, JANE DOE witnessed Dean Drisin caressing Student 1, who was on the bed.

18. The next thing JANE DOE recalls is being awoken by Student 1 and 2 totally naked the next morning, at approximately 10:00a.m., in the bed of Dean Drisin.

19. JANE DOE, who was visibly embarrassed, totally unaware of what had happened to her and why she was naked, went into the bathroom and when she exited, Student 1 and 2 were gone and Dean Drisin was sitting on the bed watching television. JANE DOE immediately left

Dean Drisin's apartment and went home.

20. When JANE DOE arrived home, Student 1 said, "Do you know what happened, I saw you f.....g Adam Drisin."

21. JANE DOE was horrified because of what was being said and because she literally had no idea what the female student was talking about, as she had absolutely no recollection of anything occurring between she and Dean Drisin.

22. At all material times, JANE DOE was on her menstrual cycle, wearing a tampon and when she checked it as a result of what she was told by the other students, she could tell that the tampon was forcibly logged deep into her vaginal canal. She was eventually able to remove the tampon from her vagina.

23. Later in the day, Dean Drisin sent JANE DOE and Student 2 e-mails seeking Forgiveness for what had transpired in his room earlier and begging to meet with them so that he could give them both "something important" that he needed "to deliver ...in person before" they all left Genoa to come back to the United States. Dean Drisin, in his e-mail, further confided: "This is very difficult for me to write because I feel terrible right now....I know this is not easy, but I'm asking you to please indulge me.

24. Later that same day, while still in Italy, Jane Doe contacted a friend and fellow FIU student, explained what happen and sought her guidance regarding the appropriate school official to whom this incident should be reported. Shortly thereafter, JANE DOE spoke to an FIU Professor via SKYPE, explained what happened and the professor reported the incident to FIU officials.

25. On information and belief, many FIU students in the Architectural program believed and openly discussed the fact that Student 1 and Dean Drisin seemed to have had a pre-existing

intimate relationship that became more apparent once he arrived in Genoa.

26. For example, one night in Rome JANE DOE and a fellow student were sitting in front of their hotel at about 3:00-4:00a.m., when they saw Dean Drisin and Student 1 arrive at the hotel together. Apparently feeling the need to quickly explain why they were together so late at night, Student 1 volunteered that she and Dean Drisin had just happened to run into each other in the city.

27. On information and belief, while most of the Genoa FIU students were cramming and stressing out about their upcoming final examinations, Student 1 clearly had no such concerns, as she was planning a day trip to Nice, France. She maintained to the other students that she was going to Nice alone. However, the students later found out that she had gone on the trip to Nice with Dean Drisin.

28. On information and belief, Dean Drisin created a graduate assistant position, a coveted position did not exist the semester before he created it, and rather than allow the top students in the program to compete for the position as is the norm for such prized positions, Dean Drisin simply bequeathed the position to Student 1.

29. Not surprisingly, Dean Drisin also chose Student 1 to be the graduate assistant who would travel with him to Savanna, Georgia. With good reason, many of the students in the architectural program reasonably believed that Student 1 was chosen simply because of her inappropriate relationship with Dean Drisin.

COUNT I
SEXUAL BATTERY

30. Plaintiff incorporates and re-alleges the allegation contained Paragraphs 1 through 29 as if fully set forth herein.

31. Dean Drisin intentionally touched the body of JANE DOE by engaging in non-consensual sexual intercourse with her.

32. Dean Drisin intentionally touched the body of JANE DOE in an offensive and harmful fashion by engaging in non-consensual sexual intercourse with her.

33. Plaintiff JANE DOE did not and physically could not, under the circumstances, consent to engaging in sexual intercourse with Dean Drisin.

34. As a result of Dean Drisin's actions, Plaintiff JANE DOE suffered bodily injuries and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and aggravation of a previously existing condition. The losses outlined herein are permanent and continuing and Plaintiff JANE DOE will continue suffer the losses in the future.

WHEREFORE, Plaintiff, JANE DOE, demands judgment for damages against Defendant ADAM MORGAN DRISIN.

COUNT II
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

35. Plaintiff reincorporates and re-alleges the allegations contained in Paragraphs 1-29 as if fully set forth herein.

36. At all times material, Dean Drisin, as the Senior Associate Dean of the FIU College of Architecture and Arts, who by virtue of his standing at FIU and position of authority and influence over the academic and employment destiny of FIU students, had a duty to use reasonable care to protect all FIU students including JANE DOE from physical, emotional and psychological

injuries.

37. At all times material, Dean Drisin, knew or should have known that JANE DOE did not and could not, under the circumstances, consent to engaging in sexual intercourse with him and that by engaging in such conduct without her consent, it would cause JANE DOE physical, emotional and psychological damages.

38. As a direct and proximate result of Dean Drisin's negligence and carelessness, JANE DOE has sustained damages which include but are not limited to extreme and severe emotional distress in the form of re-occurring nightmares and night terrors, inability to stop re-living the traumatic events described and depression. The damages to JANE DOE are permanent and continuing and Plaintiff will continue to suffer the losses in the future.

WHEREFORE, Plaintiff, JANE DOE, demands judgment for damages against Defendant ADAM MORGAN DRISIN.

DEMAND FOR TRIAL BY JURY

Plaintiffs demand trial by jury on all issues so triable.

Dated this 28th day of APRIL, 2016.

Respectfully submitted,
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