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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF SANTA BARBARA**

**ANACAPA DIVISION**

**16CV00289**

JANE DOE, an Individual,

Plaintiff,

v.

THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA; and DOES 1-50 inclusive;

Defendants.

) Case No.

) **COMPLAINT FOR DAMAGES FOR:**

) **1. PERSONAL INJURY: ASSAULT,**  
) **BATTERY, RAPE AND KIDNAPPING;**

) **2. INTENTIONAL INFLECTION OF**  
) **EMOTIONAL DISTRESS;**

) **3. NEGLIGENT INFLECTION OF**  
) **EMOTIONAL DISTRESS;**

) **4. NEGLIGENCE--PREMISES LIABILITY**

) (UNLIMITED CIVIL CASE)

1 Plaintiff, JANE DOE, individually, alleges, on personal knowledge as to herself and on  
2 information and belief as to the conduct of all others, as follows:

3  
4 **PARTIES AND VENUE**

5 1. PLAINTIFF JANE DOE ("JANE DOE" or "PLAINTIFF") is an individual who was, at  
6 all relevant times mentioned in this complaint, a resident of Santa Barbara County, State of  
7 California and a student at the University of California, Santa Barbara. The name used by JANE  
8 DOE in this Complaint is not the actual name of JANE DOE, but is a fictitious name utilized to  
9 protect the privacy of JANE DOE, a victim of rape, sexual assault and abuse.

10 2. DEFENDANT Regents of the University of California ("UC REGENTS"), is a public  
11 entity which governs the ten (10) University of California campuses, including the University of  
12 California, Santa Barbara ("UCSB"). UCSB is and was at all times mentioned herein a public  
13 university dedicated exclusively to graduate education, with its principal place of business located  
14 in Santa Barbara, California.

15 3. Venue is proper in this court pursuant to California Code of Civil Procedure ("CCP") §  
16 395(a) as the county in which the injury(s) complained of herein took place.

17 4. The true names and capacities of the defendants named herein as Does 1 through 50,  
18 inclusive, whether individual, corporate, associate, or otherwise, are unknown to plaintiff, who  
19 therefore sues such defendants by fictitious names pursuant to Code of Civil Procedure section 474.  
20 Plaintiff is informed and believes, and thereon alleges, that each of the fictitiously named  
21 defendants is responsible in the manner set forth herein, or some other manner, for the occurrences  
22 alleged herein, and that the damages as alleged herein were proximately caused by their conduct.  
23 Plaintiff will amend this complaint to show the true names and capacities of each of the fictitiously  
24 named defendants when such names and capacities have been determined.

25 5. Plaintiff is informed and believes, and thereon alleges, that at all times mentioned in this  
26 complaint, UC REGENTS was the agent, servant and employees of their co-defendants, and in  
27 doing the things alleged in the complaint, were acting in the course and scope of such agency or  
28 employment.

26 **GENERAL ALLEGATIONS**

27 6. At all times material hereto, JANE DOE was a duly admitted enrolled student at UCSB.  
28 JANE DOE paid tuition to Defendant UC REGENTS for such admittance and enrollment. JANE



1 DOE began attending UCSB in the fall of 2012 as a freshman; she had high hopes of graduating and  
2 was full of youthful optimism. As an enrolled, admitted and tuition paying student of UCSB, a  
3 special relationship existed between JANE DOE and Defendant UC REGENTS.

4 7. At all times relevant to this Complaint, Defendant UC REGENTS and DOES 1-50,  
5 inclusive, were in the business and/or responsible for the designing, planning, manufacturing,  
6 fabricating, installing, assembling, inspecting, maintaining, repairing, servicing, and/or monitoring  
7 the UNIVERSITY pathways, sidewalks, trails, perimeter and ensuring that the UNIVERSITY was  
8 reasonably safe for the entire female population of students, students and the public generally from  
9 the most basic risks of sexual assaults and criminal activity.

10 8. For decades prior to February 22, 2014, Defendant UC REGENTS, trimmed and  
11 maintained a man-made living fence, composed of thick foliage, trees and shrubbery to separate the  
12 street sidewalk from the UNIVERSITY sidewalk. This "area" was so overgrown with foliage that it  
13 resembled a maze, enticing the public to hide and get lost in it. The foliage area was approximately  
14 six feet tall and about 24 feet wide and stretched for about one block; it was big enough to conceal  
15 criminal activity for prolonged periods of time. The area was easily accessible from the street and  
16 open to the public, students, and criminal perpetrators. UCSB had previously received several  
17 complaints that crimes had occurred in this area, and despite being on notice, the area was not  
18 illuminated or patrolled, the foliage was allowed to continue to be overgrown, and no other  
19 reasonable precautions had been taken to prevent from risk of harm. Instead, UCSB tolerated the  
20 ongoing dark and overgrown foliage area and fostered a dangerous and crime susceptible  
21 environment for its students.

22 9. In the late hours of February 22 and into the early morning of February 23, 2014, Jane  
23 Doe was the victim of a premeditated and exceptionally physically violent and sadistic gang rape on  
24 the UCSB campus, inside the foliage area.

25 10. JANE DOE was walking through the streets of a very crowded Isla Vista on this Saturday  
26 night with a male friend when they got separated. JANE DOE, by apparent plan, was then taken  
27 from Isla Vista *directly* to the concealed foliage area of the UCSB campus by at least three  
28 unknown males. JANE DOE suspects that her rapists were extremely familiar with the foliage area  
at UCSB, because of the trajectory they traveled. JANE DOE was deliberately and forcibly taken  
down a long dark path and into the foliage area on campus, once confined inside this area, it was  
impossible for anyone to see or hear what was happening within the space.

11. For the *next several hours*, JANE DOE was savagely beaten and repeatedly raped by these  
three individuals. JANE DOE was often forced to be on her hands and knees during the assault and



1 was kicked and punched in the face, head and abdomen repeatedly. JANE DOE screamed, begged  
2 and pleaded with the men to stop and to let her go. Approximately three to four hours after the  
3 assault began she was finally able to escape at approximately 4:00 am on February 23, 2014.

4 12. JANE DOE found her way out of the enclosed area and ran back to her apartment, only a  
5 couple of short blocks away.

6 13. It is unknown how many cameras UCSB had installed in its entrance, but on the night of the  
7 attack, only one security camera at the traffic intersection located at the entrance to the UCSB  
8 campus from Isla Vista was functioning. No security cameras were present and/or functioning at or  
9 near the foliage area.

10 14. JANE DOE passed this camera on her way home. The camera recorded JANE DOE running  
11 from the area of the rape and seemingly being followed by a man wearing a hooded sweatshirt; the  
12 security camera only recorded the back of the man and no real identification could be made from  
13 the footage.

14 15. It is unknown when the man stopped following JANE DOE and she made it home within a  
15 few minutes of leaving the crime scene. JANE DOE woke her roommate who, upon seeing her  
16 horrible injuries, immediately called law enforcement and medical personnel. JANE DOE was  
17 transported by ambulance to Santa Barbara Cottage Hospital where she was treated for significant  
18 injuries, an *incomplete* rape kit was performed, and she was told that this was the worst case of  
19 sexual assault seen at UCSB.

20 16. Notwithstanding the lifetime of emotional damages JANE DOE now faces due to this brutal  
21 attack, she also sustained the following physical injuries: a swollen and severely bruised head, a  
22 broken nose, blunt trauma to her knees, hands, abdomen, severe orbital swelling in both eyes, her  
23 eyes were completely closed, right ear auricular hematoma, rupture of the right ear tympanic  
24 membrane, a scalp hematoma, and she was in pain all over her body from the injuries. She was  
25 filthy and covered in dirt from being dragged on the ground.

26 17. JANE DOE's life will also be forever and intimately affected by her having also contracted  
27 genital herpes from the men who raped her. She was forced to undergo several weeks of anti-HIV  
28 medication (post-exposure prophylaxis) in the event one of her attackers was HIV positive.

18. JANE DOE's body and emotional and mental stability were not the only things mutilated by  
this extremely brutal attack; her studies have suffered significantly. For many months following the  
attack, she underwent multiple tests and treatments, both mental and physical. She experienced  
significant anxiety of having contracted HIV or other infections and still remains subject to mental  
effects, including panic attacks and other mental scars.



1 19. The UCSB Police Department undertook the responsibility of investigating this horrific  
2 crime. While a DNA profile of one of the suspects was obtained, there have been no matches as of  
3 yet and all perpetrators are still at large. Despite the fact that this has been the worst case of sexual  
4 assault at the UNIVERSITY, UCSB did not reach out to a better equipped law enforcement agency  
5 to assist with the investigation and management of the case. In fact, JANE DOE's rape kit is  
6 missing significant documentation including photos of her significant injuries. UCPD has not  
7 provided a detailed report of their investigation; in fact JANE DOE has received very few updates  
8 on this investigation.

9 20. JANE DOE's parents sent her to UCSB with the expectation that the UC REGENTS would  
10 provide a certainly safe and positive learning environment for their daughter. This was the image  
11 that the UC REGENTS portrayed publicly, including the image that they would not tolerate sexual  
12 crimes on campus and that adequate protection against the same was continuously provided.

13 21. The UC REGENTS are financially dependent on the tuition paid by its students and their  
14 parents. The lower the reports of sexual assault are, the more likely that parents will feel  
15 comfortable sending their children to these campuses. PLAINTIFF is informed and believes that  
16 UCSB has used the appearance that Santa Barbara is a "safe" city to attract and entice students, and  
17 their tuition-paying parents, to its school while underreporting the amount of sexually violent  
18 incidents that occurred on campus during the years prior to JANE DOE's enrollment at the  
19 University.

20 22. UCSB crime statistics are highly and vastly out of proportion for the neighborhood adjacent  
21 to UCSB, Isla Vista, where a majority of UCSB students live, including JANE DOE.

22 23. Students have filed formal complaints that UCSB inaccurately reports sexual assault crimes,  
23 repeatedly fails to conduct thorough investigations into sexual assault reports, that punishments  
24 levied on perpetrators have been too lenient, that administrators fostered a hostile environment that  
25 does not encourage students to report crimes or follow-up on criminal proceedings, and that  
26 adequate support services are not provided.

27 24. In June of 2014, the California State Auditor published a report entitled "Sexual Harassment  
28 and Sexual Violence: California Universities Must Better Protect Student by Doing More to  
Prevent, Respond to, and Resolve Incidents" (the "Audit").

25 25. The Audit studied the handling of sexual violence incidents at two University of California  
26 campuses that are governed by THE REGENTS and concluded the following: The universities do  
27 not ensure that all faculty and staff are sufficiently trained on responding to and reporting these  
28 incidents to appropriate officials; Certain university employees who are likely to be the first point of



1 contact are not sufficiently trained on responding to and reporting these incidents; The universities  
2 must do more to properly educate students on sexual harassment and sexual violence; The  
3 universities did not always comply with the requirements in state law for distribution of relevant  
4 policies; The universities need to better inform students who file a complaint of the status of the  
investigation and notify them of the eventual outcome.

5 26. In order to induce students and their parents to enroll at the University and pay tuition, and  
6 to induce them to continue their enrollment, attendance at, and payment of tuition to UCSB, certain  
7 statements were made and statistics were skewed or omitted to communicate that UCSB was safe  
8 and that students only experienced a minimal number of sexual assaults in order to create a  
9 misleading portrayal of campus safety. The "system" that was purportedly put in place to deal  
10 specifically with sexual crimes and to support victims thereof, actually created an environment  
11 where sexual crimes were significantly underreported, victims were encouraged not to report and  
12 very often law enforcement was never contacted to "officially" report the crime. Rather,  
13 punishments were dealt out at an administrative level within UCSB and often included forcing a  
victim to remain in the same class with their abuser.

14 27. These failures to report sexually violent incidents meant UCSB was in direct violation of the  
15 Federal "Clery Act" which requires all universities to report *accurate and comprehensive* crime  
16 statistics, including incidents of sexual violence, for public consumption. (The Jeanne Clery  
17 Disclosure of Campus Security and Campus Crime Statistics Act ["Clery Act"], 20 U.S.C. 1092(f).)  
18 Failure to comply with the Clery Act is evidence of a systemic failure with regard to the proper  
handling of sexual assault cases; both before and after they inevitably occur.

19 28. The liability of UCSB for property defects is governed by Government Code §§ 830 to  
20 835.4. As a public entity, UCSB is liable for a negligent or wrongful acts or omissions of its  
21 employees acting within the scope of employment causing a "dangerous condition" of the campus  
22 that created a reasonably foreseeable risk of the kind of injury, such as that which actually occurred  
to JANE DOE because the acts and omissions were unreasonable.

23 29. The location where this crime took place was near the edge of the UCSB campus where the  
24 track is located, and adjacent to the track are the tennis courts. In February 2014, the area between  
25 the track and the tennis courts, where a small storage shed stands, was, as it had been for many  
26 years, completely over-grown, thick with foliage and when night fell, was also completely in the  
27 dark. This created a secluded and dangerous environment where JANE DOE's attackers were  
28 shielded and protected from view for many hours and it would have been neither cost prohibitive  
nor difficult to keep this area clear, lighted, and safe for UCSB students.



1 30. Further still, the UCSB police department tasked with investigating this horrific crime and  
2 with monitoring both the campus and parts of Isla Vista was vastly under-staffed in early 2014  
3 despite the fact that the UCSB – Isla Vista relationship extends to many different activities where  
4 there is a hybrid security operation in place with UCSB Police Department and the Santa Barbara  
5 Sheriff's Department. The understaffed and insufficiently trained UCSB police department that  
6 responded to JANE DOE has been unable to further investigate the crime and detain the assailants.

7 **FIRST CAUSE OF ACTION**

8 **(PERSONAL INJURY: ASSAULT, BATTERY, RAPE AND KIDNAPPING)**

9 **AGAINST ALL DEFENDANTS**

10 31. PLAINTIFF re-alleges, and incorporates herein by reference, each and every  
11 allegation contained in the preceding paragraphs as though fully incorporated herein and made a  
12 part hereof.

13 32. Defendant REGENTS had a duty to protect PLAINTIFF from the wrongful acts of third  
14 parties when those acts are foreseeable. Given the number of sexual assaults and rapes that have  
15 occurred on the UCSB campus, it was reasonably foreseeable that these acts would occur again as it  
16 did with PLAINTIFF.

17 33. As a direct and proximate result of DEFENDANTS' conduct JANE DOE has sustained  
18 physical injuries and emotional trauma.

19 34. As a legal, direct and proximate cause of the aforementioned conduct of Defendants and  
20 DOES 1 through 50, inclusive, Plaintiff was compelled to and did employ the services of medical  
21 professionals to care for and treat her, and did incur medical, professional and incidental expenses,  
22 and Plaintiff is further informed and believes, and thereon alleges, that by reason of her injuries,  
23 will necessarily incur additional like expenses for an indefinite period of time in the future, the  
24 exact amount of which expenses will be stated according to proof, pursuant to California Code of  
25 Civil Procedure Section 425.10.

26 35. As a legal, direct and proximate cause of the aforementioned conduct of Defendants and  
27 DOES 1 through 50, inclusive, Plaintiff was prevented from attending to her usual occupation, and  
28 Plaintiff is informed and believes, and thereon alleges, that she will be prevented from ever  
attending to her usual or potential occupation in the future, and thereby will also sustain a loss of  
earning capacity and loss of opportunity, in addition to lost earnings, past, present and future; the  
exact amount of such losses is unknown at this time, and when said amounts are ascertained,

1 Plaintiff will ask leave of Court to amend this Complaint and allege said amounts according to  
2 proof, pursuant to California Code of Civil Procedure Section 425.10.

3  
4 **SECOND CAUSE OF ACTION**  
5 **(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**  
6 **AGAINST ALL DEFENDANTS**

7 36. PLAINTIFF re-alleges, and incorporates herein by reference, each and every  
8 allegation contained in the preceding paragraphs as though fully incorporated herein and made a  
9 part hereof.

10 37. Defendant REGENTS had a duty to protect PLAINTIFF from the wrongful acts of third  
11 parties when those acts are foreseeable. Given the number of sexual assaults and rapes that have  
12 occurred on the UCSB campus, it was reasonably foreseeable that these acts would occur again as it  
13 did with PLAINTIFF.

14 38. As a direct and proximate result of DEFENDANTS' conduct JANE DOE has sustained  
15 physical injuries and emotional trauma.

16 39. As a legal, direct and proximate cause of the aforementioned conduct of Defendants and  
17 DOES 1 through 50, inclusive, Plaintiff was compelled to and did employ the services of medical  
18 professionals to care for and treat her, and did incur medical, professional and incidental expenses,  
19 and Plaintiff is further informed and believes, and thereon alleges, that by reason of her injuries,  
20 will necessarily incur additional like expenses for an indefinite period of time in the future, the  
21 exact amount of which expenses will be stated according to proof, pursuant to California Code of  
22 Civil Procedure Section 425.10.

23 40. As a legal, direct and proximate cause of the aforementioned conduct of Defendants and  
24 DOES 1 through 50, inclusive, Plaintiff was prevented from attending to her usual occupation, and  
25 Plaintiff is informed and believes, and thereon alleges, that she will be prevented from ever  
26 attending to her usual or potential occupation in the future, and thereby will also sustain a loss of  
27 earning capacity and loss of opportunity, in addition to lost earnings, past, present and future; the  
28 exact amount of such losses is unknown at this time, and when said amounts are ascertained,  
Plaintiff will ask leave of Court to amend this Complaint and allege said amounts according to  
proof, pursuant to California Code of Civil Procedure Section 425.10.



**THIRD CAUSE OF ACTION**  
**(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)**  
**AGAINST ALL DEFENDANTS**

41. PLAINTIFF re-alleges, and incorporates herein by reference, each and every allegation contained in the preceding paragraphs as though fully incorporated herein and made a part hereof.

42. Defendant REGENTS had a duty to protect PLAINTIFF from the wrongful acts of third parties when those acts are foreseeable. Given the number of sexual assaults and rapes that have occurred on the UCSB campus, it was reasonably foreseeable that these acts would occur again as it did with PLAINTIFF.

43. As a direct and proximate result of DEFENDANTS' conduct JANE DOE has sustained physical injuries and emotional trauma.

44. As a legal, direct and proximate cause of the aforementioned conduct of Defendants and DOES 1 through 50, inclusive, Plaintiff was compelled to and did employ the services of medical professionals to care for and treat her, and did incur medical, professional and incidental expenses, and Plaintiff is further informed and believes, and thereon alleges, that by reason of her injuries, will necessarily incur additional like expenses for an indefinite period of time in the future, the exact amount of which expenses will be stated according to proof, pursuant to California Code of Civil Procedure Section 425.10.

45. As a legal, direct and proximate cause of the aforementioned conduct of Defendants and DOES 1 through 50, inclusive, Plaintiff was prevented from attending to her usual occupation, and Plaintiff is informed and believes, and thereon alleges, that she will be prevented from ever attending to her usual or potential occupation in the future, and thereby will also sustain a loss of earning capacity and loss of opportunity, in addition to lost earnings, past, present and future; the exact amount of such losses is unknown at this time, and when said amounts are ascertained, Plaintiff will ask leave of Court to amend this Complaint and allege said amounts according to proof, pursuant to California Code of Civil Procedure Section 425.10.

**FOURTH CAUSE OF ACTION**  
**(NEGLIGENCE—PREMISES LIABILITY)**  
**AGAINST ALL DEFENDANTS**

46. PLAINTIFF re-alleges, and incorporates herein by reference, each and every allegation

1 contained in the preceding paragraphs as though fully incorporated herein and made a part hereof.

2 47. At all times herein mentioned, Defendant THE REGENTS OF THE UNIVERSITY OF  
3 CALIFORNIA, and DOES 1 to 5, and each of them, in some manner owned, maintained, and/or  
4 controlled the PROPERTY at issue herein, and owed a duty of care to PLAINTIFF who was a  
5 invitee on the PROPERTY, including a duty to protect invitees from injury, annoyance, and  
6 mistreatment by third parties on the premises, a duty to provide adequate warnings to enable visitors  
7 to avoid harm from third persons on the premises, and a duty to provide invitees with a safe and  
8 secure environment while said invitees were on the PROPERTY.

9 48. On or about February 23, 2014, Defendant THE REGENTS OF THE UNIVERSITY OF  
10 CALIFORNIA, and DOES 1 to 5, and each of them, negligently maintained, controlled, managed,  
11 and operated their PROPERTY so as to fail to protect PLAINTIFF from assault, battery, injury and  
12 criminal actions by third persons. Said Defendant negligently failed to adequately train, instruct and  
13 manage its employees, including security personnel, which contributed to the creation of a  
14 dangerous condition on the PROPERTY and led to the harm to PLAINTIFF. Said Defendant also  
15 negligently failed to provide adequate security measures, adequate lighting and cameras/video  
16 surveillance, and to avoid injury to persons who were legitimately located on the PROPERTY. Said  
17 Defendants knew or in the exercise of reasonable care should have known that a lack of these  
18 adequate security measures constituted an unreasonable risk of harm to invitees.

19 49. It is further alleged that THE REGENTS OF THE UNIVERSITY OF CALIFORNIA,  
20 and DOES 1 to 5, and each of them, had knowledge, understanding and awareness of prior similar  
21 criminal conduct, and potential similar criminal conduct, on its PROPERTY and failed to take  
22 reasonable steps to prevent the kind of injury that occurred to PLAINTIFF. For instance, in 2013,  
23 the year prior to the incident underlying this case, nearly two dozen incidents of similar criminal  
24 conduct (23 forcible sex offenses) occurred on the PROPERTY and with Defendant's knowledge,  
25 as reported in the annual campus security notification.<sup>1</sup>

26 50. As a proximate result of the negligence of Defendant THE REGENTS OF THE  
27 UNIVERSITY OF CALIFORNIA, and DOES 1 to 5, and each of them, PLAINTIFF was hurt and  
28 injured in her health, strength, and activity, sustaining serious injury to her person, all of which have  
caused, and continue to cause, PLAINTIFF great mental, physical, and emotional pain and  
suffering. As a result of these injuries, PLAINTIFF has suffered general damages. PLAINTIFF is

<sup>1</sup> 2015 Clery Campus Security and Crime Statistics Report for the University of California, Santa Barbara.



1 informed and believes and thereon alleges that the injuries she sustained will result in some  
2 permanent emotional and physical damage to her.

3 51. As a further proximate result of the acts of Defendant THE REGENTS OF THE  
4 UNIVERSITY OF CALIFORNIA, and DOES 1 to 5, and each of them, PLAINTIFF incurred  
5 medical expenses, all to her further damage in an amount to be proven at the trial of this matter.  
6 PLAINTIFF is informed and believes and thereon alleges that as a further proximate result of said  
7 actions as herein alleged, PLAINTIFF will be required to incur future medical expense all to her  
8 further damage in an amount to be proven at the trial of this matter.

9  
10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, as follows:

- 12 1. For general damages including, but not limited to, past and future pain and suffering  
13 for the physical, mental and emotional distress damages suffered by Plaintiff, in an  
14 amount in excess of the jurisdictional minimum, according to proof;  
15 2. For special damages related to loss of earnings and wage earning capacity and past  
16 and future medical expenses, according to proof;  
17 3. For hospital, medical, professional and incidental expenses, according to proof;  
18 4. For interest on the foregoing sums at the maximum legal rate;  
19 5. For costs of suit herein; and  
20 6. For such other and further relief as the court may deem proper.

21 Respectfully submitted,

22 **MAHO & PRENTICE, LLP**  
23 **LYNN & O'BRIEN, LLP**

24  
25 Dated: January 25, 2016

26 By: 

27 Tyrone J. Maho  
28 Joshua E. Lynn  
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