

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

FILED  
U.S. DISTRICT COURT  
INDIANAPOLIS DIVISION

2016 JUN 16 PM 2:56

SOUTHERN DISTRICT  
OF INDIANA  
CLERK

**1 16-cv-1480 JMS -DKL**

JANE DOE NO. 62,

Plaintiff,

**COMPLAINT**

v.

**Civil Action No.:**

**[Trial by Jury Demanded]**

INDIANA UNIVERSITY BLOOMINGTON,  
BETA ALPHA SHELTER OF DELTA TAU DELTA  
FRATERNITY, INC., and DELTA TAU DELTA,

Defendants.

**I. INTRODUCTION**

1. This Complaint alleges a violation of Title IX, 20 U.S.C. §1681 et. seq., and negligence. It is brought by a female former student at INDIANA UNIVERSITY BLOOMINGTON against INDIANA UNIVERSITY BLOOMINGTON, BETA ALPHA SHELTER OF DELTA TAU DELTA FRATERNITY, INC., and DELTA TAU DELTA, based on the sexual assault perpetrated by John Phillip Enochs, a former Indiana University Bloomington Student and member of the DELTA TAU DELTA fraternity in or about April, 2015. John Phillip Enochs had previously been accused of sexual assault by another female student in 2013. INDIANA UNIVERSITY BLOOMINGTON officials and administrators showed deliberate indifference to actual notice of this sexual assault and condoned DELTA TAU DELTA fostering an environment of illegal and dangerous activity, as well as sexual assault. DELTA TAU DELTA, et. al., ignored Enochs' history of sexual assault and failed to institute corrective measures to protect invitees from a foreseeable sexual assault at a DELTA TAU DELTA social event at the DELTA TAU DELTA House.

## II. JURISDICTION

2. This court has federal question subject matter jurisdiction of this action pursuant to 28 U.S.C. §1331 and 20 U.S.C. §1681(a).

3. This Court has venue of this action under 28 U.S.C. §1391 as INDIANA UNIVERSITY BLOOMINGTON is located in this District, the BETA ALPHA SHELTER OF DELTA TAU DELTA FRATERNITY, INC., House is located in this district, the Plaintiff resided in this District at all material times, and a substantial part of the events and omissions giving rise to the claim occurred in this District.

4. JANE DOE also files this action to recover for state law claims arising under Indiana common law, pursuant to 28 U.S.C. §1367, which arise out of the same common nucleus of facts as the aforementioned claims under Title IX.

## III. PARTIES

5. JANE DOE NO. 62 ("JANE DOE"), is a resident of Montgomery County, Maryland. This action is brought anonymously for the following reasons: Plaintiff seeks to preserve her privacy in this sensitive and highly personal matter; she wishes to avoid further embarrassment and psychological damage, as this case concerns an alleged sexual assault, which is a matter of the utmost intimacy; identification of Plaintiff poses a high risk of mental harm; the action is against a governmental entity; and, there is no risk of prejudice to Defendants from Plaintiff proceeding anonymously, because Defendants and counsel will be fully aware of the identity, age, and address of the Plaintiff.

6. Defendant, INDIANA UNIVERSITY BLOOMINGTON ("IU"), 107 S. Indiana Ave, Bloomington, Indiana 47405 is a public research university. IU receives federal financial assistance. JANE DOE was a student at IU at all relevant times.

7. Defendant, BETA ALPHA SHELTER OF DELTA TAU DELTA FRATERNITY, INC., (“DTD”) is a non-profit domestic corporation. DTD is a male fraternal organization at IU. The “DTD House”, where DTD members live and associate is located at 1431 North Jordan Avenue, Bloomington, Indiana 47406.

8. Defendant, DELTA TAU DELTA is a non-profit foreign corporation with its principle place of business in Fishers, Indiana. DELTA TAU DELTA is the controlling body of the national DELTA TAU DELTA FRATERNITY and owns, controls, operates, and provides guidelines and rules for the BETA ALPHA SHELTER OF DELTA TAU DELTA FRATERNITY, INC.

9. All Delta Tau Delta entities will be hereinafter referred to collectively as (“DTD”).

#### **IV. FACTUAL ALLEGATIONS**

10. John Phillip Enochs. (“Enochs”) is an adult male. At all material times, Enochs was a student at IU and a member of DTD.

11. At all material times, JANE DOE was a student at IU.

12. Prior to the alleged sexual assault of JANE DOE by Enochs, IU was well aware of the prevalence of sexual assaults on the IU campus, and IU fostered an environment of foreseeable, rampant, and unpunished sexual assault.

13. Upon information and belief, IU had the 7<sup>th</sup> most reported sexual offenses of any university in the country.

14. Upon information and belief, prior to the alleged sexual assault of JANE DOE by Enochs, between January 2008 and November 2014, 712 allegations of alleged sexual assaults were reported to Bloomington and IU police departments.

15. Prior to the sexual assault of JANE DOE, DTD was well aware of the prevalence of sexual assaults on the IU campus and the ubiquitousness of sexual assaults in fraternity houses

at IU and across the country and multiple previous allegations of sexual assault specifically at DTD at IU.

16. Prior to the alleged sexual assault of JANE DOE by Enochs, DTD had been fostering a dangerous environment of illegal, illicit, and sexually abusive behavior that was well known by fraternity officials.

17. Prior to the alleged sexual assault of JANE DOE by Enochs, a DTD fraternity member was arrested for buying and distributing large quantities of the drug Xanax out of the DTD House. Xanax, a brand of Alprazolam, is a commonly used “date-rape” drug on college campuses. Due to its ability to cause extreme intoxication when mixed with alcohol, as well as causing the inability to remember events that took place while under the influence, Xanax is commonly used in the college community to facilitate sexual assault.

18. Upon information and belief, prior to the sexual assault of JANE DOE by Enochs, DTD was the subject of numerous violations and complaints for dangerous and illegal activities that took place at the DTD House. Such infractions included, but were not limited to: alleged sexual assaults by DTD members, encouraging and facilitating underage drinking, encouraging and facilitating the use and distribution of narcotics, incidents of forced drinking, incidents of sexual harassment, and incidents of assault.

19. Despite the multiple infractions against DTD for dangerous activity that made it reasonably foreseeable that sexual assaults would take place at DTD House, IU continued to allow DTD to remain on campus and throw parties at the DTD House.

20. Despite the multiple infractions against DTD for dangerous activity that made it reasonably foreseeable that sexual assaults would take place at DTD House, DTD continued to

disobey laws and the safety of its guests and invitees by failing to take reasonable precautions to prevent sexual assault at the DTD house.

**Actual Notice of Sexual Harassment by John Phillip Enochs**

21. On or about October, 2013, a female IU student, M.S., was allegedly sexually assaulted by Enochs.

22. The alleged sexual assault of M.S. took place after Enochs plied her with alcohol at the DTD House, despite M.S. being under the legal drinking age at the time.

23. M.S. reported her sexual assault to the IU Police Department.

24. Upon information and belief, IU was aware of the alleged sexual assault by Enochs.

25. Upon information and belief, DTD was aware of the alleged sexual assault by Enochs.

26. It was foreseeable that if Enochs were allowed to stay on the IU campus, he would sexually assault another female IU student.

27. It was foreseeable that if Enochs were allowed to continue his membership with DTD and continue to attend DTD parties where alcohol was served to underage females, he would sexually assault another female.

**Deliberate Indifference**

28. In response to the actual notice of sexual assault by Enochs, IU administrators with authority to take corrective measures showed deliberate indifference by taking no responsive action. Enochs continued to be enrolled at IU and continued to have unfettered access to females on a campus that fostered sexual assault.

29. In response to the actual notice of sexual assault by Enochs, DTD showed deliberate indifference by taking no responsive action. Enochs continued to be a member of DTD, where he was free to attend parties where underage girls were encouraged and pressured to drink alcohol.

30. Further, DTD continued to foster and facilitate an environment of sexual assault and dangerous illicit activity, without providing reasonable safety measures for invited guests at the DTD House.

**Sexual Assault of JANE DOE**

31. On or about April 11, 2015, JANE DOE was at a party hosted by DTD at the DTD House.

32. Although she was under the legal drinking age, DTD permitted and encouraged her to drink copious amounts of alcohol by passing around a large bottle of liquor and encouraging the under-age girls to drink straight from the bottle. This was a common practice at the DTD House, referred to as “handles”.

33. Although Enochs had previously been accused of sexually assaulting a female attendee at the DTD House where underage drinking was encouraged, DTD allowed Enochs to attend this party and have unfettered access to females.

34. After being encouraged and pressured to drink alcohol by DTD members, JANE DOE passed out and then awakened to Enochs sexually assaulting her in a room in the DTD House.

35. JANE DOE pleaded for him to stop repeatedly and attempted to push Enochs off of her. Enochs ignored JANE DOE’s pleas, overpowered JANE DOE, and forcefully raped JANE DOE.

36. As a result of the alleged sexual assault by Enochs, JANE DOE has suffered, and continues to suffer from physical, mental and emotional anguish with permanent harmful effects.

37. Plaintiff is entitled to a judgment against Defendants for actual and punitive damages in an amount to be determined by a jury.

**COUNT I**  
**VIOLATION OF TITLE IX, EDUCATION**  
**AMENDMENTS OF 1972 - 20 U.S.C. §1681 ET SEQ.**  
**(Against Indiana University Bloomington)**

38. Plaintiff, JANE DOE, repeats and re-alleges the allegations set forth in paragraphs 1 through 37 above.

39. At all relevant times, IU received federal financial assistance.

40. JANE DOE had a right to not be subject to sexual discrimination, harassment or abuse while she participated in IU's education program or activity receiving federal financial assistance.

41. IU had actual notice that Enochs had sexually harassed and assaulted a female student and posed a grave danger to female students at IU of further sexual harassment and abuse, prior to the time that JANE DOE was sexually abused by Enochs.

42. IU officials and administrators with actual notice had authority to institute corrective measures on behalf of IU in response to the danger posed by Enochs.

43. Upon information and belief, the decision of IU, after receipt of actual notice of sexual assault by Enochs, to allow Enochs to continue to attend IU without instituting any corrective measures, were official decisions to ignore the danger of sexual harassment or sexual abuse to the female students in their care.

44. As a result of this gross failure to act, JANE DOE was sexually harassed and sexually abused by Enochs.

45. As a direct result and moving force behind the sexual discrimination, harassment and abuse described herein, JANE DOE was deprived of the benefits of an education at IU, and has suffered severe and permanent psychological and physical injuries, mental anguish, pain and suffering, and loss of enjoyment of life.

WHEREFORE, Plaintiff, JANE DOE, demands compensatory damages, attorneys' fees and costs pursuant to 42 U.S.C. §1988, against Defendant, INDIANA UNIVERSITY BLOOMINGTON, and such other and further relief as this Court deems just and proper.

**COUNT II**  
**NEGLIGENCE**  
**(Against Indiana University Bloomington)**

46. Plaintiff, JANE DOE, repeats and re-alleges the allegations in paragraphs 1 through 37 above.

47. JANE DOE and IU had a special relationship based on JANE DOE's status as a student enrolled at IU.

48. IU and Enochs had a special relationship based on Enochs' status as a student enrolled in Defendant's school.

49. Upon information and belief, IU knew or should have known that Enochs had a history of alleged sexual assault, and posed a foreseeable risk of danger to female students at IU.

50. Upon information and belief, it was foreseeable to Defendant that Enochs would sexually assault another female student.

51. IU owed a duty to JANE DOE to protect her from the foreseeable criminal misconduct of Enochs.

52. IU could have, and should have, expelled Enochs from the IU campus.

53. IU breached its duty by allowing Enochs, who had been accused of sexual assault of a female IU student, to continue his enrollment at IU and have access to female IU students.

54. As a result of IU ignoring the prior allegation of sexual assault against Enochs and allowing him to stay on campus, Enochs was able to sexually assault JANE DOE.



55. Defendant owed a duty to JANE DOE to ensure that any fraternity sanctioned by and associated with IU was safe, and was not fostering and encouraging an environment of sexual assault.

56. Defendant could have, and should have, in response to any of the prior complaints and infractions against DTD: suspended DTD, forbade DTD from hosting social events at the DTD House, supervised DTD to ensure that underage drinking, criminal activity, and sexual assault were not taking place, or permanently removed DTD from campus.

57. Defendant breached its duty by not taking any of the safety precautions above, or any safety precautions at all, in response to actual and/or constructive knowledge of DTD's multiple instances of sexual assault, underage drinking, distribution of a date rape drug, and other complaints and infractions that made it foreseeable that another sexual assault was likely to occur at the DTD House.

58. As a result of IU ignoring the danger posed to female students at DTD, DTD was able to foster a lawless and dangerous environment of illicit drug use, underage drinking, and sexual assault.

59. As a result of IU's negligence, JANE DOE has suffered severe and permanent physical and psychological injuries, shame, humiliation and inability to lead a normal life.

WHEREFORE, Plaintiff, JANE DOE, demands judgment against Defendant, INDIANA UNIVERSITY BLOOMINGTON, for damages, attorneys' fees and costs and any additional relief to which they may be entitled.

**COUNT III**  
**NEGLIGENCE:**  
**RETENTION AND SUPERVISION**  
**(Against Delta Tau Delta, et. al.)**

60. Plaintiff, JANE DOE, repeats and re-alleges the allegations set forth in paragraphs 1 through 37 above.

61. DTD was in a special relationship with Enochs based upon Enochs' membership in DTD.

62. DTD was in a special relationship with JANE DOE as she was an invitee to its fraternity house.

63. DTD knew, or in the exercise of reasonable care, should have known, that Enochs had been accused of sexually assaulting a female after drinking alcohol with her at a DTD social event.

64. It was foreseeable that if DTD allowed Enochs to attend a DTD social event where underage females were not only permitted to drink alcohol, but were encouraged to drink straight liquor out of the bottle, that Enochs would commit another sexual assault.

65. DTD had a duty to take reasonable precautions to protect female guests at the DTD House from a foreseeable sexual assault by Enochs.

66. DTD could have, and should have, in the wake of allegations of sexual assault against Enochs: forbade Enochs from attending social events where alcohol was served, supervised Enochs to ensure he was not sexually assaulting female guests, or revoked Enochs DTD membership altogether.

67. DTD breached its duty owed to JANE DOE, by not taking any of the above precautions, or any reasonable precaution at all, to prevent Enochs from committing a sexual assault at the DTD social event.

68. As a result of DTD's negligence, JANE DOE was sexually assaulted by Enochs, and has suffered severe and permanent physical and psychological injuries, shame, humiliation and inability to lead a normal life.

WHEREFORE, Plaintiff, JANE DOE, demands judgment against Defendants BETA ALPHA SHELTER OF DELTA TAU DELTA FRATERNITY, INC., and DELTA TAU DELTA, for damages, attorneys' fees and costs and any additional relief to which they may be entitled.

**COUNT IV**  
**NEGLIGENCE:**  
**PREMISES LIBALITY**  
**(Against Delta Tau Delta, et. al.)**

69. Plaintiff, JANE DOE, repeats and re-alleges the allegations set forth in paragraphs 1 through 37 above.

70. DTD was in an host – invitee relationship with JANE DOE, based upon her attendance as a guest at a social event at the DTD House.

71. DTD owed a duty to Plaintiff, JANE DOE as an invitee to the DTD House and a guest at a DTD social event, to take reasonable precautions to prevent foreseeable criminal acts against her.

72. DTD knew, or in the exercise of reasonable care, should have known, that sexual assaults were rampant among college fraternities, particularly at IU, and particularly at DTD.

73. Upon information and belief, DTD was informed of the dangers and prevalence of sexual assaults at fraternity houses.

74. Upon information and belief, DTD was aware of multiple sexual assault allegations against DTD members at IU, multiple sexual assault allegations against DTD members across the country, multiple sexual assault allegations that took place at the DTD House at IU, and multiple sexual assault allegations that took place at other fraternity houses at IU.

75. It was common knowledge at DTD, and all fraternity houses at IU, that sexual assault was a foreseeable and dangerous risk at fraternity parties.

76. DTD was aware that a DTD member had been arrested for buying, selling, and distributing a known date-rape drug out of the DTD House.

77. DTD knew, or in the exercise of reasonable care, should have known, that permitting and encouraging underage drinking greatly increases the risk of sexual assault.

78. DTD was aware that the social events thrown at the DTD House, and the culture of the DTD members, fostered and encouraged an environment of dangerous activity and sexual assault.

79. DTD knew, or in the exercise of reasonable care, should have known, that Enochs, an attendee at the DTD social event, had been previously accused of sexual assault after drinking alcohol with the alleged victim at a DTD social event.

80. It was foreseeable that the female invitees at the DTD House could be at risk of being sexually assaulted, particularly those being encouraged to drink dangerous amounts of alcohol, despite being under the legal drinking age.

81. As an invitee, DTD owed a duty to JANE DOE to take reasonable precautions to prevent her from being sexually assaulted at the DTD House during a DTD social event.

82. Not only did DTD breach that duty by not taking any reasonable precautions to protect JANE DOE from sexual assault, but DTD acted recklessly, willfully, and with wanton disregard to the safety of JANE DOE, by permitting, sanctioning, and encouraging behavior that increased the risk of sexual assault.

83. As a result of DTD breaching its duty owed to JANE DOE, and acting recklessly in encouraging behavior that increased the risk of sexual assault, JANE DOE was sexually assaulted on the premises of the DTD House, by a DTD fraternity member.

84. As a result of DTD's negligence, JANE DOE has suffered severe and permanent physical and psychological injuries, shame, humiliation and inability to lead a normal life.

WHEREFORE, Plaintiff, Plaintiff, JANE DOE, repeats and re-alleges the allegations set forth in paragraphs 1 through 37 above., demands judgment against Defendants BETA ALPHA SHELTER OF DELTA TAU DELTA FRATERNITY, INC., and DELTA TAU DELTA, for damages, attorneys' fees and costs and any additional relief to which they may be entitled.

**DEMAND FOR JURY TRIAL**


Plaintiff demands a jury trial in this action.

Dated: June 15, 2016

Respectfully submitted:

HERMAN LAW  
3351 NW Boca Raton Blvd.  
Boca Raton, FL 33431  
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Jeffrey M. Herman  
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(pending pro hac admission)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
JANE DOE NO. 62

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Arick Fudali, Esq., Jeff Herman, Esq. Herman Law,  
3351 NW Boca Raton Blvd, Boca Raton, FL 33431  
(305) 931-2200

**DEFENDANTS**INDIANA UNIVERSITY BLOOMINGTON, BETA ALPHA SHELTER  
OF DELTA TAU DELTA FRATERNITY, INC., and DELTA TAU  
DELTACounty of Residence of First Listed Defendant Monroe

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**1 16-cv-1480 JMS -DKL****II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff  
and One Box for Defendant)

- |  | PTF                        | DEF                        |  | PTF                        | DEF                        |
|--|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State                      | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place<br>of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                   | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place<br>of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a<br>Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation   | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Title IX, 20 U.S.C. §1681 et. seq.

Brief description of cause:

Female student sexually assaulted in fraternity house on school campus

**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION  
UNDER RULE 23, F.R.Cv.P.**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☐ Yes ☐ No**VIII. RELATED CASE(S)  
IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE 6/15/16 SIGNATURE OF ATTORNEY OF RECORD **FOR OFFICE USE ONLY**

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE



# FedEx<sup>®</sup>

## Express

Page 1 of 3

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LISA RIVERA  
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SUITE 2532  
NEW YORK, NY 10010  
UNITED STATES US

SHIP DATE: 15 JUN 16  
ACTWGT: 0.25 LB  
CAD: 108768344/NET3730

BILL SENDER

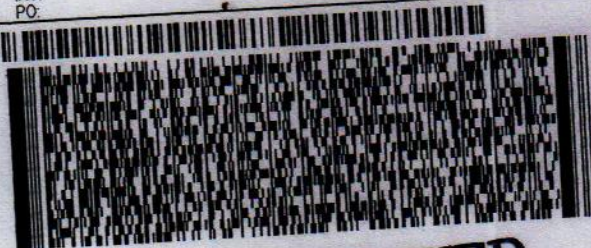
TO CLERK'S OFFICE  
USDC, SOUTHERN DISTRICT INDIANA  
46 EAST OHIO STREET  
ROOM 105  
INDIANAPOLIS IN 46204

(305) 931-2200

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Extremely Urgent

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FZ 4129 06.16