

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA

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JOHN DOE, :
 : **Civil Action No:**
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 : **Jury Trial Demand**
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 : **VERIFIED COMPLAINT**
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Plaintiff John Doe¹ (“Plaintiff”), by his attorneys Nesenoff & Miltenberg, LLP, as and for his Complaint against Washington and Lee University (“W&L”) respectfully alleges as follows:

THE NATURE OF THIS ACTION

1. This case arises out of the actions taken and procedures employed by Defendant Washington and Lee University (“Defendant W&L” or “W&L”) concerning allegations made against Plaintiff, a male junior student at Washington and Lee as a result of false allegations of nonconsensual sex with fellow W&L sophomore student Jane Doe.
2. These allegations purportedly referred to what was clearly consensual sexual activity on or about February 8, 2014 (the “Incident”).
3. On October 13, 2014, some eight (8) months later, Jane Doe contacted W&L’s Title IX officer, and reported that the Incident was not consensual, but was not ready to file a complaint at that time. For reasons that will be explained later, Jane Doe’s claim was false, as the contemporaneous statements and actions of Jane Doe are inconsistent with the claim that the encounter was non-consensual.

¹ Plaintiff has filed, contemporaneously with this Complaint, a Motion to proceed pseudonymously.

4. After an investigation of at least nine other witnesses, ranging from student witnesses who observed Jane Doe in the hours, next day and month after the Incident to counselor witnesses opining on W&L held a hearing on November 20, 2014. That same evening, Plaintiff was informed that he was immediately being expelled from W&L.

5. When W&L subjected Plaintiff to disciplinary action, it did so in an arbitrary and capricious way, and in discrimination against him on the basis of his male sex. W&L failed to adhere to its own guidelines and regulations, and the guidelines and regulations themselves are insufficient to protect the rights of male students. The decision reached was discriminatory; given the evidence (or lack thereof), a discriminatory bias against males was required for a conclusion of sexual misconduct to be reached and removal ordered before any investigation even took place.

6. Plaintiff has been greatly damaged by the actions of Defendant W&L: his academic future is severely damaged; the monies spent on obtaining a college education at Defendant lost; and the real sacrifices made by Plaintiff's family so that he could receive a quality education have been wasted. Plaintiff therefore brings this action to obtain relief based on causes of action for, among other things, violations of Title IX of the Education Amendments of 1972 and state law.

THE PARTIES

7. Plaintiff, is a natural person, citizen of the United States, and resident of the State of West Virginia. During the events described herein, Plaintiff was a student at Washington and Lee University and resided at the Pi Kappa Fraternity House at 201 East Washington Street (which is owned by W&L) while studying at Washington and Lee University.

8. Upon information and belief, Defendant Washington and Lee University is a private, liberal arts college in the city of Lexington, Virginia, with an address of 204 West Washington St, Lexington, VA 24450.

9. Plaintiff and Defendant Washington and Lee are sometimes hereinafter collectively referred to as the "Parties."

JURISDICTION AND VENUE

10. This Court has federal question and supplemental jurisdiction pursuant to 28 U.S.C. § 1331 and under 28 U.S.C. § 1367 because: (i) Plaintiff states claims arising under the Constitution and laws of the United States, including Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-88; and (ii) the state law claims are so closely related to the federal law claims as to form the same case or controversy under Article III of the U.S. Constitution.

11. This Court has personal jurisdiction over Defendant Washington and Lee on the grounds that it is conducting business within the State of Virginia.

12. Venue for this action properly lies in this district pursuant to 28 U.S.C. §1391 because Washington and Lee University is considered to reside in this judicial district and a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

