

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

Case No. 1:17-CV-20018-GAYLES/TURNOFF

DAVID JIA,

Plaintiff,

v.

**UNIVERSITY OF MIAMI, a not-for-profit
Corporation; ANGELA CAMERON;
KATHARINE WESTAWAY, in her official
and individual capacities; and WILLIAM
ANTHONY LAKE, in his official and individual
capacities,**

Defendants.

_____ /

AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, DAVID JIA, by and through his undersigned counsel, files his complaint against Defendants, UNIVERSITY OF MIAMI (hereinafter referred as the “University”), ANGELA CAMERON, KATHARINE WESTAWAY, and WILLIAM ANTHONY LAKE and alleges as follow:

Parties

1. Plaintiff, DAVID JIA is a natural person, and citizen of the United States. He was a student at the University during the incidents from which this lawsuit stems; he is currently a resident of California, domiciled in California and plans to remain there indefinitely.

2. Defendant, the University, is a private institution of higher education that is incorporated in Florida, with its principal place of business in Florida;
3. Defendant, KATHARINE WESTAWAY is a natural person, and citizen of the United States. She is resident of Florida, domiciled in Florida, and plans to remain there indefinitely. At all material times, the University employed her.
4. Defendant, ANGELA CAMERON is a natural person, and a citizen of the United States. She is resident of Florida, domiciled in Florida, and plans to remain there indefinitely. She is a student at the University and resides on the campus in Coral Gables, Florida.
5. Defendant, WILLIAM ANTHONY LAKE (hereinafter referred as “TONY LAKE”) is a natural person, and a citizen of the United States. He is resident of Florida, domiciled in Florida, and plans to remain there indefinitely. At all material times, he was employed at the University.

Jurisdiction and Venue

6. This Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332 and supplemental jurisdiction pursuant to 20 U.S.C. § 1367.
7. DAVID JIA a resident of California domiciled in California with the intent to permanently remain therein and defendants are citizens of Florida, domiciled in Florida with the intent to remain therein.
8. Plaintiff is diverse from all defendants and the amount in controversy exceeds \$75,000, exclusive of costs and interests.

9. DAVID JIA's state law claims are so closely related to his federal law claims as to form the same case or controversy under Article III of the U.S. Constitution.
10. This Court has jurisdiction over this action by virtue of federal question jurisdiction pursuant to 28 U.S.C. §1331, since this claim stems from a violation of a federal law by way of Title IX.
11. This Court has personal jurisdiction over the defendants because (a) they are citizens of Florida, doing business in Florida, and/or (b) reside in the state of Florida, specifically Miami-Dade County, Florida.
12. Venue for this action is proper pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claims occurred in this Court's judicial district. Venue is also proper over the defendants because (a) they are citizens of Florida, doing business in Florida, and/or (b) reside in the state of Florida, specifically Miami-Dade County, Florida.

PROCEDURAL HISTORY AND BACKGROUND

13. This case arises amidst a growing national controversy stemming from the U.S. Dept. of Education's Office of Civil Rights ("OCR") threats to withhold federal education dollars in order to compel colleges and universities to address "sexual violence" on their campuses.
14. The Federal Government, through the U.S. Department of Education, has been pressuring colleges and universities to aggressively pursue investigations of sexual violence on campuses under Title IX, the federal civil rights law that prohibits discrimination in education on the basis of gender, and for violations of the Clery Act, which requires all colleges and universities that participate in

federal financial aid programs to keep and disclose information about crime on and near their respective campuses, also to hold tribunals mirroring their mandated procedures to enact punishments for those accused of sexual assault. Compliance with reporting sexual violence is monitored by the U.S. Department of Education, which can impose civil penalties up to \$35,000 per violation against institutions for each infraction and can suspend institutions from participating in federal student financial aid programs, which could financially destroy any college or university.

15. On April 4, 2011, the U.S. Education Department's Office of Civil Rights sent a "Dear Colleague Letter" to colleges and universities. The Dear Colleague Letter indicated that, in order to comply with Title IX, colleges and Universities must enact processes as mandated by the Department of Education ("DOE"), they must have transparent, prompt procedures to investigate and resolve complaints of sexual misconduct. Most notably, the Dear Colleague Letter required schools to adopt a relatively low burden of proof --"more likely than not"—in cases involving sexual misconduct, including, assault, and suggested that schools should focus more on victim advocacy. However, the letter states:

"Throughout a school's Title IX investigation, including at any hearing, the parties must have an equal opportunity to present relevant witnesses and other evidence. The complainant and the alleged perpetrator must be afforded similar and timely access to any information that will be used at the hearing."

16. The University, upon pressure from governmental agencies such as OCR/DOE, take unlawful and gender biased disciplinary actions against DAVID JIA. Evidence of these unlawful and/or gender biased actions include, but is not

limited to, the University's pattern and practice of taking unlawful disciplinary actions against male students such as DAVID JIA, without allowing for constitutional due process as mandated by title IX.

17. Based on the information detailed in this Complaint (and) upon information and belief, Defendants' unlawful discipline of DAVID JIA occurred in part because of Defendants' biased assumptions that female students do not sexually assault their fellow male students. Although, according to the University's student handbook, a student cannot consent if they are drunk, in this case both DAVID JIA and ANGELA CAMERON admitted to being drunk. According to their policy ANGELA and DAVID either both violated the policy or the UNIVERSITY choose to go after DAVID JIA because he is a male.

18. Evidence of governmental pressure exerted upon the University includes The White House's April 2014 report entitled "Not Alone" which threatens the elimination of federal funds by stating:

"If OCR finds a Title IX violation, the school risks losing federal funds. In these cases, OCR must first seek to voluntarily resolve the noncompliance before terminating funds. Through this voluntary resolution process, OCR has entered into agreements that mandate schools to take a number of comprehensive steps to remedy the problem on their campuses."

19. The White House also noted that:

"The Justice Department (DOJ) . . . shares authority with OCR for enforcing Title IX, and may initiate an investigation or compliance review of schools receiving DOJ financial assistance. If schools are found to violate Title IX and a voluntary resolution cannot be reached, DOJ can . . . seek to terminate DOJ funds."

20. In response to pressure from the DOE, the DOJ, and/or the White House, educational institutions like the University of Miami are severely mishandling

- procedural protections afforded to students like DAVID JIA in sexual misconduct cases.
21. Similarly, the facts detailed in this Complaint prove the University's Policies explicitly and/or implicitly incorporate and/or embrace the Association of Title IX Administrators (ATIXA) and National Center for Higher Education Risk Management (NCHERM) procedures, however they are misinterpreting the procedures causing gender bias and severely limiting the procedural protections that should be afforded male and female students alike in sexual misconduct cases.
22. In February 2014, Catherine E. Lhamon, the Assistant Secretary of Education who heads the department's OCR office, told college officials attending a conference at the University of Virginia that schools need to make "radical" change. According to the Chronicle of Higher education, college presidents suggested afterward that there were "crisp marching orders from Washington."¹
23. "The Federal government has created a significant amount of pressure on colleges and universities which in turn has led universities to unfairly treat all those accused of sexual misconduct with a presumption of guilt."² The Chronicle of Higher Education noted that "Colleges face increasing pressure from 'survivors' and federal government to improve the campus climate."³ In the same article, the Chronicle noted that different standards were applied to men and women: "Under current interpretations of colleges' legal responsibilities, if a female student

¹ *Colleges Are Reminded of Federal Eye on Handling of Sexual-Assault Cases*, Chronicle of Higher Education, February 11, 2014

² *Occidental Justice*, Esquire Magazine, April 2015.

³ *Presumed Guilty: College men accused of rape say the scales are tipped against them*, Chronicle of Higher Education, September 1, 2014

alleges sexual assault by a male student after heavy drinking, he may be suspended or expelled, even if she appeared to be a willing participant and never said no. That is because in heterosexual cases, colleges typically see the male student as the one physically able to initiate sex, and therefore responsible for gaining the woman's consent."⁴

24. After years of criticism for being too lax on campus sexual violence, college and universities are relying on Title IX to crack down on alleged perpetrators of sexual violence and sexual misconduct. The pendulum has now swung too far in the other direction against accused male students.
25. There are currently over 175 cases across the nation of young men that have been put in the same situation as DAVID JIA. Young men who's lives have been tarnished due to false allegations of sexual misconduct and kangaroo court like procedures in Universities across the nation that men walk into with the presumption of guilt. (<https://titleixforall.knack.com/databases#due-process-lawsuits/> a database that shows over 175 lawsuits similar to this one, included copies of complaints among other motions and court documents and also the status of each case or outcome)
26. The University's Title IX department improperly mishandled the investigation, by having an unfair hearing process against DAVID JIA.

⁴ Id.

THE NATURE OF THIS ACTION

27. DAVID JIA seeks redress against defendants the University, ANGELA CAMERON, KATHARINE WESTAWAY, and TONY LAKE, due to actions, omissions, errors, and the flawed procedures, and overall failure to provide DAVID JIA with a meaningful standard of due process and equity, concerning the wrongful allegations of sexual misconduct made against him.
28. DAVID JIA, a male undergraduate student at the University in good standing, an active member of the University's student community, with a 3.2 GPA was accepted into the University with the Dickenson Scholarship. The allegations against David were made by a fellow University student, ANGELA CAMERON, after one evening of consensual sexual intercourse following a night of drinking together at an apartment get together.
29. Due to a complete lack of evidence, no charges were brought against DAVID JIA by the South Miami Police Department. Notwithstanding the foregoing, the University made the decision to charge DAVID JIA with violations of the University's student handbook policies and procedures for sexual misconduct with respect to ANGELA CAMERON.
30. After a flawed and discriminatory investigation, the University found DAVID JIA responsible for "Sexual Assault/Battery" and "Relationship and/or Intimate Partner Violence" and suspended him for one semester.
31. The foregoing, coupled with the University's violations of its own policies, and title IX's policies, during the course of its investigation, resulted in the inability for DAVID JIA to continue his education.

32. Due to University placing a sexual battery charge on DAVID JIA's record, his ability to enter a graduate program after graduation has been severely compromised, in addition he was delayed a semester and was forced to obtain council.
33. DAVID JIA's emotional health has been greatly compromised by the entire ordeal and its consequences. Thus, DAVID JIA brings this action to obtain damages and relief based on causes of action for, among other things, violations of Title IX of the Education Amendments of 1972 and state law claims.
34. It is imperative for the court to place a check on institutions interpreting Title IX claims. Failure to do so would inevitably lead to fraudulent claims and a shift in statistical data that would unfortunately lead to the conclusion that men are being discriminated against.

FACTUAL BACKGROUND

35. Plaintiff, DAVID JIA, met ANGELA CAMERON while taking an Intermediate Acting class at the University during the spring semester of 2014.
36. During the acting class, they became scene partners and had to act out a scene from "The Blue Room", a play where DAVID JIA played a cab driver and ANGELA CAMERON played a prostitute who falls in love with the cab driver.
37. DAVID JIA and ANGELA CAMERON began to have consensual sex on or about the beginning of March 2014 while practicing as scene partners.
38. On April 11, 2014, DAVID JIA invited ANGELA CAMERON to join him to be an extra at a film shoot of a party, taking place at the Red Roads Commons

- Apartments. They both began to drink and became intoxicated during the party film shoot.
39. DAVID JIA offered to walk ANGELA CAMERON to her dormitory, but she rejected the idea insisting that she stay with DAVID JIA at his apartment for the night.
 40. DAVID JIA and ANGELA CAMERON both walked into his apartment noticeably drunk according to his roommates Merrick Stein and Michael Gardell.
 41. ANGELA CAMERON went into DAVID JIA's room and took off her clothes to get more comfortable.
 42. ANGELA CAMERON later asked DAVID JIA to have sex but he rejected her advances because she had told him that she became sick when she used the bathroom. Due to her eagerness to have sex and his drunken state, DAVID JIA would later that night agree to have sex with ANGELA CAMERON.
 43. DAVID JIA and ANGELA CAMERON had consensual sex that night. She was fully engaged during sex even screaming "I want you inside of me" and other sexually explicit phrases.
 44. The next morning DAVID JIA and ANGELA CAMERON again had consensual sex and would continue to do so fairly regularly for more or less the next two weeks.
 45. On April 14, 2014 DAVID JIA and ANGELA CAMERON went out to dinner at Gigi's, a restaurant in the Midtown area of Miami.

46. Furthermore, on April 15, 2014 ANGELA CAMERON delivered cookies to DAVID JIA as a way to thank him for not leaving her alone at the apartment, the night of the alleged sexual assault.
47. ANGELA CAMERON became more attached to DAVID JIA, hinting towards wanting to continue having sex and seeing each other. David informed her that he could not commit to a relationship with her.
48. DAVID JIA and ANGELA CAMERON performed their final theater scene for their class on or around April 16, 2014 and afterwards attended a meeting together on campus for the film fraternity, Delta Kappa Alpha (“DKA”).
49. ANGELA CAMERON, after the DKA meeting, asked DAVID JIA to be her date for her Kappa Kappa Gamma sorority formal. David reluctantly agreed to attend the formal with her.
50. DAVID JIA and ANGELA CAMERON continued to communicate but he began to have second thoughts about going to the sorority formal with ANGELA CAMERON and continuing a relationship with her.
51. On the night of April 19, 2014, DAVID JIA publicized a Facebook event page about a party he was having at his apartment for the same weekend of the Kappa Kappa Gamma sorority formal. ANGELA CAMERON was not invited. Within a few hours (during the morning of April 20, 2014), ANGELA CAMERON emailed a letter to the school claiming that on April 11, 2014, DAVID JIA sexually assaulted her.

A. EVENTS DURING THE 2014 UNIVERSITY FLAWED DISCIPLINARY HEARING

52. On May 2, 2014, DAVID JIA met with TONY LAKE and David was informed of the complaint brought against him by ANGELA CAMERON. From the very beginning, DAVID JIA was treated unfairly with a complete disregard to his side of the story.
53. DAVID JIA, throughout the entire process was not given notice of his rights and was not allowed to have legal counsel present. According to the University's school rules he should have been informed of his rights as a student being accused of sexual misconduct.
54. The University investigator for this alleged incident was Dean TONY LAKE. It is the University's policy to have a non-biased investigator, but they failed to adhere to their policy by appointing TONY LAKE.
55. TONY LAKE provides advisory support to the Panhellenic association. The Panhellenic association is one of the largest organizations in the United States that advocates for women.
56. Furthermore, during one of the meetings TONY LAKE had with DAVID JIA, TONY loudly shouted to DAVID that they needed to "be more compassionate" toward ANGELA CAMERON.
57. On July 2, while in a meeting, TONY LAKE tells DAVID JIA that it was DAVID who was the one who had "caused the situation" without looking into David's account of the night or even attempting to find any evidence to corroborate any

statements provided. This conduct directly shows his bias and disregard towards anything DAVID JIA had to say or any of the evidence David presented.

58. Demonstrating a complete disregard of DAVID JIA's evidence throughout the entire process, TONY LAKE had a written letter of charges already typed and prepared prior to the May 7, 2014 meeting, before David could present all of his evidence.
59. On May 7, 2014 DAVID JIA was charged with "Sexual Assault/Battery" and "Relationship and/or Intimate Partner Violence" at the University's major disciplinary level. DAVID JIA responded with "Not Responsible" to the allegations.
60. DAVID JIA emailed TONY LAKE to inform Tony that he had two witnesses, Michael Gardell and Merrick Stein. Michael and Merrick were David's roommates and who were willing to give sworn testimonies in defense of the allegations. Both witnesses were present on April 11, 2014 in David's apartment when the alleged sexual misconduct took place and had first-hand knowledge of the events that took place that night.
61. On May 27, 2014 DAVID JIA emailed TONY LAKE to request Merrick Stein to be invited to participate in person for the official June 24, 2014 hearing.
62. TONY LAKE, as well as the University failed to call Merrick Stein to be present for the June 24, 2014 hearing and instead neglectfully called Michael Gardell to be present for the June 24, 2014 hearing even though the University had notice that Michael would not be available for the June 24, 2014 hearing. Although the University did receive written statements from both witnesses their conduct shows

their carelessness and disregard for DAVID JIA's side of the story. Furthermore ANGELA CAMERON was allowed to present a witness that was not present the night of the alleged sexual misconduct and she (Sophia) was able to speak via phone during the hearing. According to the University's Student Handbook which govern disciplinary hearings "For the purposes of a formal disciplinary hearing, 'witnesses' must be individuals who have first hand knowledge of the incident in question and be able to speak to the facts of the case at hand." Sophia was not present the night of the alleged rape and had absolutely no knowledge of what happened the night of the alleged misconduct. The University would later justify the choice to allow Sophia to give her testimony by saying that she had first hand knowledge of Angela's "emotional reaction" after the alleged rape.

63. According to the University's Code of Conduct, under Section II (Procedural Rights for Students During a Major-Level Discipline Case) H (6), "the University will supply to the Charged Student a list of the Witness/es that will be called during a hearing on its behalf."
64. However, despite DAVID JIA's written requests and submissions of his witnesses to be present, DAVID JIA never received from the University a witness list of designated witnesses for the June 24, 2014 hearing. Had David received such list, he would have been able to note that the two individuals with direct knowledge of the allegations (Merrick Stein and Michael Gardell) had been prevented from properly participating in the proceedings.
65. According to the University's Code of Conduct, under Section II (Procedural Rights for Students During a Major-Level Discipline Case) G, "Each panel shall

- be composed of one student and one faculty member, each from a larger pool of prospective panelists who are each trained to hear and decide upon discipline cases. [...] In addition to faculty and student body representatives, an objective Student Affairs Dean will sit on the MDHP (Major Disciplinary Hearing Panel) and will serve as Chairperson for the hearing.”
66. DAVID JIA requested a three-person panel for his June 24, 2014 hearing but only received a one-person panel, consisting of only Dean Steve Priecke, to make the decision on his responsibility of the alleged incident. (TONY LAKE was also present but sitting solely as the “non-biased” investigator of the incident, not part of the MDHP.)
67. On June 24, 2014, DAVID JIA presented pertinent evidence, questions, and testimony to Dean Steve Priecke, but it was not taken into account or was disregarded without any care for the truth. He was not allowed to question ANGELA CAMERON’s “witness” or ANGELA CAMERON, present his text messages with ANGELA CAMERON, and series of events demonstrating or suggesting consensual sex during the April 11, 2014 incident were completely disregarded, demonstrated by the less than five (5) minutes it took for Dean Steve Priecke to make his decision in David’s hearing.
68. The most disturbing part of this hearing was the finding that ANGELA CAMERON was “more drunk” than DAVID JIA supposedly demonstrated by the fact that ANGELA CAMERON vomited before they had sex. Somehow, without any evidence or medical training whatsoever, the panel came to the conclusion that ANGELA CAMERON could not consent because she was “more drunk” than

- DAVID JIA. DAVID JIA was also drunk that night and according to the student handbook could not consent due to the fact he was drunk. The panel disregarded that fact and found DAVID JIA responsible for violations of the student handbook.
69. On July 10, 2014, DAVID JIA was sent an email by Dean Ricardo Hall informing him he was being suspended from the University for one semester.
 70. The outcome of this hearing was completely erroneous and violates all due process and fair treatment that should be afforded to an accused student under TITLE IX.
 71. On July 14, 2014, DAVID JIA appealed the decision via letter to Vice President Patricia Whitely for “substantive finding of responsibility due to procedural defects” and “severity of sanction imposed”.
 72. Vice President Patricia Whitely declined the appeal and DAVID JIA was required to serve out his Fall semester suspension.
 73. DAVID JIA inquired about filing a TITLE IX complaint against ANGELA CAMERON because according to the student handbook this is called “retaliation” and would subject DAVID JIA to further punishment had he pursued a complaint against ANGELA CAMERON.
 74. The University failed to fully investigate the alleged sexual assault and somehow, even after the Coral Gables police department found no evidence of rape and did not press charges, no rape kit was performed, absolutely zero witnesses corroborating ANGELA CAMERON’S claims, multiple witnesses corroborating DAVID JIA’S claims, and her continued relationship with JIA for weeks after the

alleged sexual assault, erroneously found DAVID JIA responsible of sexual misconduct and suspended him for 1 semester.

C. Events After the 2014 University Hearings

74. During the Fall semester of 2014, ANGELA CAMERON and TONY LAKE spoke out to the Miami Hurricane, the University's official print and online newspaper, discussing the matters in regards to DAVID JIA's hearing with ANGELA CAMERON. Although DAVID JIA was not mentioned by name, by the time the first article was published (published on December 4, 2014), many students and faculty members already knew that DAVID JIA was the accused male student. The article was also published on the website of KATHARINE WESTAWAY, the University professor for Women's and Gender Studies, further spreading the false and defamatory information. (See Exhibit 1 Article The Miami Hurricane)
75. This University newspaper article states, "There are some parts of this issue that have to do with compliance, because you could lose funding for not doing so,' Lake said." (See Exhibit 1 Article The Miami Hurricane) TONY LAKE admits that the possibility of losing funding affects the school's decisions in regards to sexual assault cases.
76. The University newspaper article further states, "The hardest part of my job is taking a step back,' Lake said. 'I find myself getting too connected to the emotions of the accused or of the victim sometimes.' However, for Cameron, Lake was a constant source of support throughout her hearing. 'He is one of the few people on campus who is really there for students and wants them to get

better,' Cameron said." Because TONY LAKE was "getting too connected to the emotions" and "for Cameron, Lake was a constant source of support throughout her hearing", TONY LAKE failed to properly perform his duties as an objective, impartial and unbiased University Dean and investigator during DAVID JIA's hearing with ANGELA CAMERON.

77. DAVID JIA returned to school during the spring semester of 2015. During that time, there was already a movement started by KATHARINE WESTAWAY and ANGELA CAMERON to make DAVID'S life on campus a living hell.
78. On April 6, 2015, ANGELA CAMERON falsely accused DAVID JIA of kidnapping and sexual battery (this time, alleging that he had assaulted her at the theater department on campus), and he was subjected to an investigation by the Coral Gables Police Department, and another University hearing (similar to the 2014 sexual assault hearing). Later, ANGELA CAMERON's accusations were found to be false after surveillance camera videos showed that DAVID JIA was never on campus during the times of the alleged battery and that ANGELA CAMERON was not even at the scene where she told the police the battery took place (but rather in her dormitory, Eaton Residential College) on April 6, 2015.
79. Three days later, on April 9, 2015, ANGELA CAMERON falsely accused DAVID JIA of battery again for the third time (this time alleged that he had assaulted her by the theater department on campus), and again DAVID JIA was subjected to hours of interrogation and investigative procedures by the Coral Gables Police Department and by the University. After a thorough investigation by the police, it was proven that DAVID JIA was again not at the scene of the

alleged incident. ANGELA CAMERON's accusation proved to lack merit and was discredited by police.

80. The police investigation revealed, once again, that DAVID JIA was never at the location of the alleged crime after they reviewed the evidence from surveillance camera footage, phone records, internet usage records, financial records and witnesses, collected and provided by DAVID JIA.
81. ANGELA CAMERON's false accusations of serious violent crimes were committed with the malicious intent to get him kicked out of school and further cause intentional harm upon him. All while DAVID JIA agonized about getting kicked out of school, sat through hours of police investigations, and investigative hearings by the school.
82. Furthermore, ANGELA CAMERON showed the police bruises and scratches all throughout her body which the police photographed. After investigating ANGELA CAMERON's account of the events and the evidence, the medical examiner determined that ANGELA CAMERON's injuries were all self-inflicted wounds and bruising, which were found to be inconsistent with a beating.
83. On April 21, 2015, ANGELA CAMERON, University professor, KATHARINE WESTAWAY, along with a student organization called "Canes Consent," held an event on University's campus to get "Justice for Angela". Although the battery accusations were false, ANGELA CAMERON, Professor KATHARINE WESTAWAY and the other members of "Canes Consent" continued for the next few weeks to claim that DAVID JIA had hurt and beat ANGELA CAMERON close to unconsciousness.

84. Furthermore, that same day Professor KATHARINE WESTAWAY, ANGELA CAMERON and the “Canes Consent” organization, started an online petition to get DAVID JIA expelled from school before he graduates. Full of false and defamatory information, the petition gathered over 5,500 signatures. (See Exhibit 2)
85. Also, the University was involved in the event described above as the University had to approve such event by signing a Coral Gables Campus Revocable Agreement for Use of University Facilities. (See Exhibit 3)
86. In addition, ANGELA CAMERON states in this petition, “On April 11, 2014 my world was turned upside down when I was raped by my scene partner for my acting class. As a result, I have been diagnosed with Post Traumatic Stress Disorder, severe depression, anxiety, and chronic pain from physical trauma. A piece of my T7 vertebrae has been cracked off and a disk is protruding causing spinal stenosis plus my pelvis is misaligned.” During the 2014 investigation, there was no mention at all about any physical injuries. One of the many lies that ANGELA CAMERON along with KATHARINE WESTAWAY conspired to spread and defame DAVID JIA.
87. Moreover, according to investigation reports made by the University and the Coral Gables Police Department from August and September of 2014, ANGELA CAMERON was diagnosed with multiple sclerosis (“MS”) and suffered from episodes of seizures and falling, causing her pains on her back and throughout the rest of the her body. Despite the fact that the University was aware of her back problems resulting from MS, the University still allowed Professor KATHARINE

WESTAWAY, ANGELA CAMERON and the “Canes Consent” organization to promote these new false claims that her back problems were allegedly caused by DAVID JIA.

88. Immediately after the online petition was written, KATHARINE WESTAWAY began circulating emails across the Internet to promote the petition. KATHARINE WESTAWAY concluded her e-mail with, “In solidarity, Dr. KATHARINE WESTAWAY and the students of Intro to Women’s and Gender Studies”, indicating that her University class was involved and her defamatory actions were done within the scope of her work at the University.
89. On April 22, 2015, the Miami Hurricane (the University’s newspaper) released an article promoting the petition.
90. On April 23, 2015, a public Facebook page was started by the “Canes Consent” organization to promote the petition to get DAVID JIA expelled before graduation.
91. As if ANGELA CAMERON and KATHARINE WESTAWAY had not already attempted to destroy DAVID JIA and get him kicked out of school on April 24, 2015, ANGELA CAMERON filed a temporary restraining order against DAVID JIA, which legally prevented him from being able to step foot on the University campus, since ANGELA CAMERON’s residency was on campus. DAVID JIA was called into Dean Maria Sevilla’s office to be informed that he could be arrested for coming on campus. This resulted in DAVID JIA having to completely change his schedule to take his final exams off-campus, while living

- in fear of being arrested for even taking a step on campus. (see restraining order exhibit 4)
92. The temporary restraining order further encumbered DAVID JIA's life at the University with his access to the benefits that a University student are provided, such as the library, the gym, professors' office hours during final exams, etc.
93. More importantly, ANGELA CAMERON's temporary restraining order originally prevented DAVID JIA from being legally able to walk during his graduation ceremony. Only with the assistance from counsel, DAVID JIA was able to submit a modification of the restraining order to allow him to participate during his graduation ceremony. (Restraining order would later be dropped by ANGELA CAMERON and her Counsel after her accusations were "unfounded" by the police and the school)
94. On April 29, 2015, KATHARINE WESTAWAY spoke to Miami Local 10 news, a local Miami-Dade news channel, to further attempt to, in bad faith, bash DAVID JIA's reputation without any regards to the truth.
95. Throughout the next few weeks, numerous other news and media outlets began publishing articles referring to DAVID JIA's University disciplinary hearings with ANGELA CAMERON, and many of these articles identified DAVID JIA by name. According to various representatives from these news and media outlets, stated that KATHARINE WESTAWAY made frequent phone calls to them, providing information about DAVID JIA and the petition.
96. On May 4, 2015, DAVID JIA filed a complaint against ANGELA CAMERON with the University for "False Information", "Harassment or Harm to Others",

- “Online/Internet Social Networking Usage”, and “Interference with University investigations, Disciplinary Proceedings, or Records”.
97. On May 6, 2015, the University determined that ANGELA CAMERON’s claims of alleged assaults on April 6, 2015 and April 9, 2015 to be “unfounded”.
 98. Despite the fact that the University had concluded their investigations and determined ANGELA CAMERON’s claims to be “unfounded,” on May 6 2015, Professor KATHARINE WESTAWAY continued to promote her and ANGELA CAMERON’s petition and called for a protest against DAVID JIA walking during his graduation, rallying students to put the symbol “IX” on their graduation caps symbolizing the alleged Title IX violations perpetrated against ANGELA CAMERON. (See article Exhibit 5)
 99. During his May 8, 2015 graduation, DAVID JIA had to sit among his peers while his fellow students protested his walking the stage during graduation. Meanwhile his parents were also present, experiencing great embarrassment and emotional stress of watching their only son being humiliated so publicly.
 100. On May 8, 2015, University President, Donna Shalala, issued a statement further acknowledging ANGELA CAMERON’s claims to be “unfounded”.
 101. On May 13, 2015, the Coral Gables Police Department released the police reports in regards to ANGELA CAMERON’s claims of alleged assaults on April 6, 2015 and April 9, 2015, which were determined to be “unfounded”. These police investigations revealed that ANGELA CAMERON had asked to retract her statements, signed a “No Prosecution” form and was also found to have lied about at least 3 pregnancy tests with Hunter Bihn, a male student she was having a

- relationship with but was planning of leaving her and in her attempt to keep him she lied about being pregnant. An independent medical examiner determined that ANGELA CAMERON's wounds were inconsistent with her claims and likely to be self-inflicted.
102. On May 16, 2015, a Local 10 news article was published, in which KATHARINE WESTAWAY was still continuing to support and promote her earlier claims against DAVID JIA, "[t]he Coral Gables police report 'does not shake my faith on Angela at all,' Westaway said Friday. 'I don't know how you crack your own vertebrae.'" (See exhibit 6 local 10 article)
103. DAVID JIA suffered countless attacks on his character via social media and internet forums from fellow students, numerous false accusations of battery by ANGELA CAMERON, harassment and defamation perpetrated by Professor KATHARINE WESTAWAY on multiple occasions that were mentioned above, and a restraining order prohibiting him to be on campus.
104. In addition, DAVID JIA's character has been severely hurt with his name now being tied to "rape". All this was done with the facilitation by the University who permitted this to happen and did nothing to protect DAVID JIA during their investigation and after the claims against him were all found to be unfounded.
105. Furthermore, the University is responsible for approving events that are scheduled and organized to take place on the campus, showing a complete disregard to DAVID JIA and allowing the narrative that ANGELA CAMERON was beaten and raped by DAVID JIA to be further perpetrated by the University staff, faculty, students and student organization, "Canes Consent".

106. After graduation, DAVID JIA filed a complaint against the University faculty and administrators involved with DAVID JIA's 2014 and 2015 hearings for misconduct and Title IX violations.
107. After filing the Title IX complaint he met with Mr. David Burnback the official that handles these types of complaint for the University. Mr. Burnback quickly tells DAVID JIA "tell me why you think this is a TITLE IX violation". Mr. Burnback quickly dismisses the claims and is deliberately indifferent to DAVID JIA's evidence demonstrating. Further more he is not allowed to speak about the 2014 accusation of rape and is warned that he is not allowed to speak about that or the meeting will end.
108. Absolutely no investigation was done to validate DAVID JIA's Title IX complaint and consequently no violations were found.
109. Coincidentally TONY LAKE and KATHARINE WESTAWAY are no longer employed at the University. KATHARINE WESTAWAY admits that she was "fired" because of what she did in 2015 but the UNIVERSITY denies her claims. Furthermore TONY LAKE was asked to resign for reasons to be discovered.
110. DAVID JIA has suffered through over a year of extreme emotional stress, anguish, and embarrassment, for actions he did not commit.
111. DAVID JIA, in good faith, has exhausted all methods in attempt to resolve this situation with the University, to no avail and is now seeking justice through the court system alleging the following counts.

Count I

**Breach of Contract
As to defendant UNIVERSITY OF MIAMI**

113. PLAINTIFF re-alleges and incorporates the allegations set forth in the above paragraphs 35-112 as though fully set forth herein.

114. The DEFENDANT UNIVERISTY at all times material to this complaint has a contractual duty to PLAINTIFF as set out in the *Students Rights & Responsibilities Handbook*, which details the University's responsibilities to students.

115. Pursuant to the University's *Students Rights & Responsibilities Handbook* students have the right to (1) the right to be treated equally in academic and social settings, (2) the right to live and/or attend classes in a physically safe environment, (3) the right to express diverse opinions in an intellectually safe environment, (4) the right to privacy, (5) the expectation of a positive living/learning environment, amongst others.

116. The University's *Students Rights & Responsibilities Handbook* also outlines the procedures used for sexual misconduct cases.

117. The outlined procedures for sexual misconduct cases in the *Students Rights & Responsibilities Handbook* include "All reasonable efforts will be made to entertain the insights of a charged student's witness/es". The Handbook also states "For the purposes of a formal disciplinary hearing, 'witnesses' must be individuals who have first hand knowledge of the incident in question and be able to speak to the facts of the case at hand." Furthermore the handbook states "Each panel shall be composed of one student and one faculty member, each from a larger pool of prospective panelist who are each trained to hear and decide upon discipline cases...In addition to faculty and student body representatives, an objective Student Affairs Dean will sit on the MDHP (Major

Disciplinary Hearing Panel) and will serve as Chairperson for the hearing.” Lastly the *Students Rights & Responsibilities Handbook* indicates that there must be a full and fair investigation.

118. The DEFENDANT UNIVERISTY breached its contractual duty to PLAINTIFF by

- a. Failing to treat the plaintiff equally in an academic and social setting.
- b. Failing to provide plaintiff with a physically safe learning environment.
- c. Failing to seriously entertain the testimony of Plaintiffs first hand witnesses that were present in the apartment on the night of the alleged rape.
- d. Allowing Defendant, Angela Cameron, to bring in a witness via phone call although she has no first hand knowledge of the events that occurred.
- e. Failing to adhere to their own policy of having “ one student and one faculty member” on the Major Disciplinary Hearing Panel.
- f. Failing to have an objective and nonbiased investigator.
- g. Failing to have a full and fair investigation into the alleged rape.

119. As a proximate result of the Defendant University’s breach of said contractual duties, Plaintiff has suffered compensable injury.

WHEREFORE, PLAINTIFF respectfully requests judgment against DEFENDANT UNIVERSITY OF MIAMI awarding:

- a. Remuneration for the breach of contract in an amount to be established at trial, that puts the Plaintiff in the place he would be in if the contract had been completed, including but not limited to: lost wages, compensation for pain, suffering, and mental anguish.

b. Such other and further relief as the court may deem just and proper.

COUNT II

Defamation

As to Defendants KATHARINE WESTAWAY and UNIVERSITY OF MIAMI

120. PLAINTIFF re-alleges and incorporates the allegations set forth in the above paragraphs 35-112 as though fully set forth herein.

121. KATHARINE WESTAWAY, written and orally, published numerous false statements concerning the PLAINTIFF to University of Miami students, University of Miami employees, University of Miami school newspaper, and other third-parties not involved in the University of Miami's disciplinary proceeding against PLAINTIFF.

122. KATHARINE WESTAWAY's false statements about PLAINTIFF were made with the intent to be understood by those that received the allegations that PLAINTIFF committed an offense involving moral turpitude (sexual assault in 2014 and battery in 2015).

123. KATHARINE WESTAWAY's statements were false and defamatory and were made with actual malice and with intentions to damage PLAINTIFF'S reputation.

124. Specific instances of defamatory statements among others:

A. Help us get Angela Cameron's rapist expelled before he graduates on May 8! Sign and share the petition: <http://bit.ly/1109Vw2> (05/08/15)

B. A terrible miscarriage of justice has happened at the University of Miami. Hello, my name is Dr. Katharine Westaway, I'm a former National Organization for Women state board member, member of the University of Miami President's Task Force on Sexual Violence Prevention and Education, and professor of Women's and Gender Studies at the University of Miami. Tuesday my class held Canes Consent, a fundraiser for The Women's Fund and an event to eradicate sexual assault on our campus—the University of Miami. One of the speakers was a UM student, Angela Cameron, who was raped so violently that a disk in her back broke. She now suffers from spinal stenosis, PTSD, major depression and

anxiety. Her rapist was found guilty by UM of intimate partner violence and rape but his sentence was ONLY a ONE-SEMESTER suspension! So now she is forced to walk the campus with her predator. And in retribution her rapist found her in the theater two weeks ago and beat her until she was almost unconscious. We as a class are demanding that this student be expelled and not be allowed to graduate from the University of Miami. Please send this paragraph far and wide on your social network and email, we're trying to get 50,000 signatures by Tuesday. Here is the link to the petition my class started: https://secure.avaaz.org/en/petition/University_of_Miami_We_call_on_you_expel_Angela_Camerons_rapist_and_assailant/?
Please help me and my students with this campaign, we can't steer this ship alone.

In solidarity,

Dr. Katharine Westaway and the students of Intro to Women's and Gender Studies

(04/23/15 KATHARINE WESTAWAY'S email to students promoting petition)

C. A student was raped on my campus and the rapist only got a one-semester suspension. Please sign the petition in my bio to get this predator expelled (04/25/15 Instagram)

D. I teach about sexual assault but now I'm involved in helping a victim whose perpetrator may graduate in a few weeks. Please help get him expelled by signing the petition in my bio. (04/27/15 Instagram)

E. There is Still a rapist on UM's campus who's set to graduate. Please tweet #JusticeforAngela and sign the petition in my bio on (04/28/15 Instagram)

F. The Justice for Angela campaign to get a rapist off UM's campus continues. Please sign the petition on my bio. (4/28/15 Instagram)

G. It's bitterly, bitterly ironic that [Angela Cameron] received the same punishment that a rapist and batterer would receive. I don't think she deserved it," Westaway said. (<http://www.themiamihurricane.com/2016/01/13/professor-katharine-westaway-asked-not-to-return-passing-torch/>)

125. KATHARINE WESTAWAY published these statements knowing they were false or completely disregarded any truth behind the allegation and knew the statements would cause DAIVD JIA's reputation to be injured.

126. During the relevant period, KATHARINE WESTAWAY committed the above-mentioned acts while she was acting within the course and scope of her employment at the University. As a result the University is vicariously liable for the defamatory conduct of KATHARINE WESTAWAY.

127. As a result of the Defendant's defamatory conduct, PLAINTIFF has suffered injury to his reputation.

WHEREFORE, PLAINTIFF respectfully requests judgment against Defendant UNIVERSITY OF MIAMI, awarding:

- a. Damages in amounts to be established at trial, including damage to reputation, loss of future earnings, and punitive damages.
- b. Costs; and
- c. Such other and further relief as the court may deem just and proper.

COUNT III

Defamation

As to Defendant ANGELA CAMERON

128. PLAINTIFF re-alleges and incorporates the allegations set forth in the above paragraphs 35-112 as though fully set forth herein.

129. ANGELA CAMERON, written and orally, published numerous false statements concerning the PLAINTIFF to University of Miami students, University of Miami employees, University of Miami school new paper, and other third-parties not involved in the University of Miami's disciplinary proceeding against PLAINTIFF.

130. ANGELA CAMERON's false statements about PLAINTIFF were made with the intent to be understood by those that received the allegations that PLAINTIFF

committed an offense involving moral turpitude (sexual assault in 2014 and battery in 2015).

131. Specific instances of defamatory statements among others:

a. Unless it's a big PR crisis. Then the university will actually care. But an everyday student raped by their scene partner? Nope. I was informed yesterday afternoon that my rapist is being allowed to return to the University of Miami next semester and he will be allowed to graduate and get a degree. He is walking around this campus free as a bird. The message that the Dean's Office is sending is no better than FSU. Sure, you followed procedure with the disciplinary hearing but then to only suspend him for one semester. Really? Really? I have to live with what this jackass did to me for the rest of my life. That ugly truth includes PTSD, depression, anxiety, and (the worst for me) dance. I can't dance anymore because he misaligned my pelvis, cracked a vertebrae, and now a disk is protruding. And all he got was a one-semester suspension where he could do whatever he wanted (so a vacation) and he gets to come back with his full scholarship and graduate. There are so many things wrong with this. I shouldn't have to ask the Dean's Office to ensure my safety. That should be a God-given right after having my life shattered into a million pieces because an asshole refused to respect my RIGHT to consent. And everyone is telling me that they don't think he'll come after me. Well, I didn't think he would rape me either. Also, after the hearing, I heard my rapist slam the door to the Dean's Office from the UC Bridge. That is a sound I will never forget. (Facebook Status 12/14/14)

b. "As I sit here in god awful hours of the morning I continue to receive some of the most hateful messages I have ever read in my life. What no one understands is that I did not ask for this. I did not ask to be raped the night of April 11th, 2014. I did not ask for my rapist to stalk me all semester. I did not ask for him to find me and assaulted me until I was almost unconscious. Then, when it was reported, retaliate. I did not ask for any of this. All I did when I spoke at Canes Consent was tell my story; the same story I have told over and over for the past year. I did not go to Canes Consent expecting this to happen. I went as a survivor telling the truth about the realities we face as survivors here on campus at the University of Miami. I never went on any "quest" to punish my rapist. While the sanction handed down by the Dean was heartbreaking and constantly makes me wonder if the whole process was worth it, I have accepted it as fact and that there is nothing I can do about it. All I have done is tell my story in hopes of encouraging other survivors to come forward as well as create positive change within the disciplinary process and how survivors of sexual assault are treated by the university so no one ever has to go through the hell I went through. A room full of complete strangers listened and, more importantly, they cared so THEY started the petition. Not me. Women across the country report their rapes and have been

treated the exact same way. I have told the same story over and over and over for the last year. I cannot control how journalists chose to write and editorialize it. When I spoke at Canes Consent, I told my story. The difference is that for the first time, a room full of complete strangers listened. And, more importantly, they cared and were pissed so they started the petition. My case represents what has happened to thousands of women across the country. Far too often, the few rapes that do get reported result in minimal punishment and a lifetime of fear for the survivor when their rapist returns to campus. It's a constant fear of retaliation. A fear that he'll stalk you and no one will help when you tell administration. A fear that you can't leave your dorm because he might be sitting outside or at your go-to coffee place which he knows you frequent for much needed caffeine boosts. A fear that one night you'll be by yourself and he'll find you, like my rapist did to me. I never went to public with his name because criminal charges were never filed, even though I did everything in my power to try. When I reported my rape to South Miami P.D. the investigating officer looked at me and said, "You realize this isn't rape because you know the person, right?" THIS IS WHAT SURVIVORS ACROSS THE COUNTRY FACE EVERY SINGLE DAY! I am not alone in this torment, but I spoke up. Every time a survivor speaks up against the lack of care and support offered by a university, the media has a field day in tearing the survivor down and making it nearly impossible to show their face. They print downright lies and believe the words of people who have no merit. That is exactly what is happening to me. Yet, no one is tearing apart his character. Everyone is saying, "Oh you poor thing." BULLSHIT! I was raped, stalked, and assaulted by him yet all the media cares about is tearing ME apart because of some half ass police investigation by a department full of incompetent officers who have violate protocol and my civil rights countless of times instead of the RAPIST! One person told me that I should do the world a service, die, and kill myself. One said I was a lying bitch. One said I was a "shit c**t." Another said that I am the reason women don't come forward. WRONG! The reason women do not come forward are people like this. The fact that any time a survivor does come forward they are re-victimized over and over and over again. The fact that we are ridiculed and ripped apart by the media. The fact that COWARDS hide behind Yik-Yak or UMiami Secrets spreading terrible lies. The fact The fact that people we thought were our "friends" up and leave over the word of someone who has NOTHING to do with the case. THE FACT THAT EVERYONE DEFENDS THE RAPIST INSTEAD OF THE SURVIVOR! Still, I continue to tell my story. Why? Because if me going through this hell prevents just on person from ever having to experience this, it is worth it. The University of Miami, UMPD, and South Miami P.D. have a problem and I called them out on it. My life has been forever changed by his actions. I will always have to live with PTSD. I will always have to live with the nightmares, flashbacks, panic attacks, isolation, depression, and anxiety. I will never be able to dance competitively as I was working towards before he raped me. He twisted me so violently while I was unconscious that he cracked a piece of my T7 vertebrae off causing a disk to protrude resulting in spinal stenosis then proceeded to brutally rape me and misaligned my pelvis. THAT IS IN NO WAY CONSENSUAL SEX! There is no

reason ANY survivor should have to endure this and I will continue to fight. I will never get the justice I deserve. I know that. But things have got to change and I will fight to my grave for the changes that need to happen so that no survivor ever has to go through this again.” (06/14/15 Angela Cameron Facebook Status)

c. She told UM police that during one of the attacks, he said, "I will give you something to cry about." She said he punched her in her right eye, pushed her to the floor and kicked her until she was almost unconscious, the report said.

(<http://www.local10.com/news/accused-rapist-graduates-from-university-of-miami-despite-justice-for-angela-efforts>)

d. Cameron described her violent rape in April of last year – which left her with a cracked vertebrae and other injuries – and detailed how she sought help from the university and the criminal justice system to no avail

(<http://www.themiamihurricane.com/2015/04/22/petition-seeks-justice/>)

e. Angela Cameron also spoke on campus on various occasions for Canes consent events and Justice for Angela events further defaming DAVID JIA, lying about him beating her and causing injuries in the false rape accusations in 2014.

132. ANGELA CAMERON published these statements knowing that the statements were false and would defame DAVID JIA and cause him an injury to his reputation.

133. As a result of the Defendant’s defamatory conduct, PLAINTIFF has suffered injury to his reputation.

WHEREFORE, PLAINTIFF respectfully requests judgment against Defendant

ANGELA CAMERON, awarding:

- a. Damages in amounts to be established at trial, including damage to reputation, loss of future earnings, and punitive damages.
- b. Costs; and
- c. Such other and further relief as the court may deem just and proper.

COUNT IV

TITLE IX

Hostile Environment

As to Defendant UNIVERSITY OF MIAMI

134. PLAINTIFF re-alleges and incorporates the allegations set forth in the above paragraphs 35-112 as though fully set forth herein.

135. PLAINTIFF was a student at DEFENDANT, UNIVERSITY OF MIAMI, an educational institution receiving federal funds.

136. PLAINTIFF was subjected to unlawful harassment so severe, pervasive and objectively offensive that he was denied access to educational opportunities and benefits as described above.

137. The Defendant, UNIVERSITY OF MIAMI, had actual notice and was deliberately indifferent to PLAINTIFF'S harassment and the hostile environment from which he suffered. As a result, it failed to institute any accommodations for PLAINTIFF's safety, including but not limited to:

- a. Dismissing, KATHARINE WESTAWAY from campus and all teaching and supervising responsibilities.
- b. Preventing, KATHARINE WESTAWAY and ANGELA CAMERON from publishing defamatory statements via various media and social media outlets, creating a petition to get PLAINTIFF kicked out of school and prevent him from walking in graduation.
- c. Preventing KATHARINE WESTAWAY and ANGELA CAMERON from making statements about the outcome of a school disciplinary hearing, which is

private and protected by Federal law (Family Educational Rights and Privacy Act).

d. Taking steps to prevent KATHARINE WESTAWAY and ANGELA CAMERON from publicly defaming PLAINTIFF and creating a scandal, which added to the hostile environment he was subjected to at the University.

138. Because of the University's deliberate indifference, PLAINTIFF has suffered losses of educational opportunities and benefits, along with general and special damages including to but not limited to: emotional distress, loss of future earnings, and damage to and delays in his pursuit of education.

WHEREFORE, PLAINTIFF respectfully requests judgment against UNIVERSITY OF MIAMI awarding:

- a. Damages in amounts to be established at trial, including without limitation, damages for deprivation of equal access to the educational benefits and opportunities provided by the Defendant University, damages for past, present, and future emotional pain and suffering; and future earnings.
- b. Injunctive relief to be determined at trial requiring the Defendant University to comply with federal law under Title IX, to issue a formal statement apologizing to PLAINTIFF, and remove a finding of responsible for sexual assault/ battery and relationship /or intimidate partner violence;
- c. Costs;
- d. Attorneys' fees pursuant to 42 U.S.C. 1988 (b); and
- e. Such other and further relief as the Court may seem just and proper.

COUNT V

TITLE IX

Deliberate Indifference

As to Defendants UNIVERSITY OF MIAMI

139. PLAINTIFF re-alleges and incorporates the allegations set forth in the above paragraphs 35-112 as though fully set forth herein.

140. PLAINTIFF was a student at DEFENDANT, UNIVERSITY OF MIAMI, an educational institution receiving federal funds.

141. Officials at the Defendant University had authority to institute corrective measures, had actual knowledge of, and was deliberately indifferent to, the misconduct being perpetrated against PLAINTIFF as stated in the above paragraphs.

142. The conduct of Defendant, UNIVERSITY OF MIAMI, caused plaintiff to undergo harassment or make him liable or vulnerable to it.

143. The Defendant, UNIVERSITY OF MIAMI, and other official's response to the harassment was clearly unreasonable in light of the known circumstances.

144. Upon information and belief, UNIVERSITY OF MIAMI possesses communications evidencing its employees' and/or agents manifest gender based deliberate indifference towards PLAINTIFF and/or other similarly situated male students.

145. UNIVERSITY OF MIAMI'S deliberate indifference caused PLAINTIFF to be damaged.

WHEREFORE, PLAINTIFF respectfully requests judgment against UNIVERSITY OF MIAMI awarding:

- a. Damages in amounts to be established at trial, including without limitation, damages for deprivation of equal access to the educational benefits and

opportunities provided by the Defendant University, damages for past, present, and future emotional pain and suffering; and future earnings.

- b. Injunctive relief to be determined at trial requiring the Defendant University to comply with federal law under Title IX, to issue a formal statement apologizing to PLAINTIFF, and remove a finding of responsible for sexual assault/ battery and relationship /or intimidate partner violence;
- c. Costs;
- d. Attorneys' fees pursuant to 42 U.S.C. 1988 (b); and
- e. Such other and further relief as the Court may seem just and proper.

COUNT VI

TITLE IX

Erroneous Outcome

As to Defendants University of Miami

146. PLAINTIFF re-alleges and incorporates the allegations set forth in the above paragraphs 35-112 as though fully set forth herein.

147. PLAINTIFF was a student at DEFENDANT, UNIVERSITY OF MIAMI, an educational institution receiving federal funds.

148. By erroneously disciplining PLAINTIFF, UNIVERSITY OF MIAMI violated their own policies, and TITLE IX.

149. UNIVERSITY OF MIAMI received actual notice of the fact that PLAINTIFF's rights were violated under the school's policies, TITLE IX and/or wrongfully found PLAINTIFF to have violated UNIVERSITY OF MIAMI policy which the University adopted pursuant to federal law and regulations related to TITLE IX.

150. The UNIVERSITY OF MIAMI exhibited deliberate indifference by refusing to remedy (a) violations of PLAINTIFFS rights under its policies, TITLE IX and/ or (b) the University's erroneous determination that PLAINTIFF violated UNIVERSITY OF MIAMI'S policy which it adopted pursuant to federal laws and regulations related to TITLE IX.

151. UNIVERSITY OF MIAMI's conduct detailed above involved arbitrary and capricious violations of PLAINTIFF'S constitutional due process rights.

152. Upon information and belief, UNIVERSITY OF MIAMI possesses communications evidencing its deliberate indifference in imposing unlawful discipline on PLAINTIFF on the basis of his gender.

153. UNIVERSITY OF MIAMI wrongful discipline of PLAINTIFF caused PLAINTIFF to be damaged.

WHEREFORE, PLAINTIFF respectfully requests judgment against UNIVERSITY OF MIAMI awarding:

- a. Damages in amounts to be established at trial, including without limitation, damages for deprivation of equal access to the educational benefits and opportunities provided by the Defendant University, damages for past, present, and future emotional pain and suffering; and future earnings.
- b. Injunctive relief to be determined at trial requiring the Defendant University to comply with federal law under Title IX, to issue a formal statement apologizing to PLAINTIFF, and remove a finding of responsible for sexual assault/ battery and relationship /or intimidate partner violence;
- c. Costs;

- d. Attorneys' fees pursuant to 42 U.S.C. 1988 (b); and
- e. Such other and further relief as the Court may seem just and proper

COUNT VII

**Intentional Infliction of Emotional Distress
As to Defendant ANGELA CAMERON**

154. PLAINTIFF re-alleges and incorporates the allegations set forth in the above paragraphs 35-112 as though fully set forth herein.

155. ANGELA CAMERON engaged in conduct detailed in the above paragraphs, that she knew or should have known her actions would cause PLAINTIFF to suffer serious emotional injury.

156. ANGELA CAMERON engaged in conduct that can be described as so outrageous in character and so extreme in degree, as to go beyond all possible bounds of decency, as to be regarded as atrocious, and utterly intolerable in a civilized community.

157. ANGELA CAMERON'S conduct detailed above caused PLAINTIFF to suffer profound and ongoing psychological and mental anguish and was malicious, willful, and/or intentional.

158. As a further direct and proximate cause of ANGELA CAMERON'S false allegations and defamatory statements PLAINTIFF was unlawfully disciplined by the UNIVERSITY OF MIAMI and upon return from his suspension was subject to further humiliation and disgrace upon his character and was unable to enjoy his final year of college.

WHEREFORE, PLAINTIFF respectfully requests judgment against ANGELA CAMERON awarding:

- a. Damages in amounts to be established at trial;

b. Costs;

c. Such other further relief as the court may deem just and proper.

COUNT VIII

**Intentional Infliction of Emotional Distress
As to Defendant KATHARINE WESTAWAY and UNIVERSIY OF MIAMI**

159. PLAINTIFF re-alleges and incorporates the allegations set forth in the above paragraphs 35-112 as though fully set forth herein.

160. KATHARINE WESTAWAY engaged in conduct detailed in the above paragraphs, that she knew or should have known her actions would cause PLAINTIFF to suffer serious emotional injury.

161. KATHARINE WESTAWAY engaged in conduct that can be described as so outrageous in character and so extreme in degree, as to go beyond all possible bounds of decency, as to be regarded as atrocious, and utterly intolerable in a civilized community.

162. KATHARINE WESTAWAY'S conduct detailed above caused PLAINTIFF to suffer profound and ongoing psychological and mental anguish and was malicious, willful, and/or intentional.

163. At the time of KATHARINE WESTAWAY'S conduct, described in the above paragraphs, she was employed by the UNIVERSITY OF MIAMI and acting within the course and scope of her employment.

164. Additionally, the UNIVERSITY OF MIAMI was aware and did not take any steps to stop or prevent this Intentional Infliction of Emotional Distress against PLAINTIFF by their employee/agent.

WHEREFORE, PLAINTIFF respectfully requests judgment against KATHARINE WESTAWAY and UNIVERSITY OF MIAMI awarding:

- a. Damages in amounts to be established at trial;
- b. Costs;
- c. Such other further relief as the court may deem just and proper.

COUNT IX

INVASION OF PRIVACY

As to Defendant, KATHARINE WESTAWAY, and UNIVERISTY OF MIAMI

165. PLAINTIFF re-alleges and incorporates the allegations set forth in the above paragraphs 35-112 as though fully set forth herein.

166. KATHARINE WESTAWAY assisted ANGELA CAMERON in a media campaign to injure PLAINTIFF where PLAINTIFF'S name was disclosed and his privacy was invaded.

167. At the time of KATHARINE WESTAWAY'S dissemination of private information about PLAINTIFF she was employed by the University and her aforementioned acts of disseminating private information were committed while she was acting with the course and scope of her employment.

168. The University is vicariously liable for KATHARINE WESTAWAYS unlawful conduct committed within the course of her employment.

169. Additionally, the University did not take any steps to stop or prevent this invasion of privacy.

170. PLAINTIFF has suffered and continues to suffer damage as a result of KATHARINE WESTAWAYS interference with and invasion of privacy.

WHEREFORE, PLAINTIFF respectfully requests judgment against Defendants KATHARINE WESTAWAY and UNIVERSITY OF MIAMI, awarding:

- e. Damages in amounts to be established at trial, including compensatory damages for pain, suffering, and emotional distress, and punitive damages;
- f. Cost; and
- h. Such other and further relief as the court may deem just and proper.

COUNT X

CONSPIRACY

As to Defendant KATHARINE WESTAWAY, and ANGELA CAMERON

171. PLAINTIFF re-alleges and incorporates the allegations set forth in the above paragraphs 35-112 as though fully set forth herein.

172. The aforementioned defamatory acts of ANGELA CAMERON, KATHARINE WESTAWAY, and the UNIVERISTY OF MIAMI constitute a cause of action against all Defendants for civil conspiracy.

173. There was an agreement between ANGELA CAMERON and KATHARINE WESTAWAY, to defame PLAINTIFF, invade his privacy, and cause her reputational harm.

174. The purpose of this conspiracy was to unlawfully disseminate false statements about PLAINTIFF and/or to invade his privacy by publishing personal and confidential information about him in order to damage his reputation.

175. The University aided their conspiracy by failing to prevent ANGELA CAMERON and KATHARINE WESTAWAY from publishing defamatory material about her despite being repeatedly put on notice of the defamation.

176. As a direct or proximate result of the Defendants conspiracy, PLAINTIFF has suffered and continues to suffer damages.

WHEREFORE, PLAINTIFF respectfully requests judgment against Defendant ANGELA CAMERON and KATHARINE WESTAWAY, awarding:

- e. Damages in amounts to be established at trial, including compensatory damages for pain, suffering, and emotional distress, reputational harm, and punitive damages;
- f. Cost; and
- h. Such other and further relief as the court may deem just and proper.

COUNT XI

INVASION OF PRIVACY

As to Defendant TONY LAKE and UNIVERSITY OF MIAMI

177. PLAINTIFF re-alleges and incorporates the allegations set forth in the above paragraphs 35-112 as though fully set forth herein.

178. TONY LAKE spoke on multiple occasions to the media about DAVID JIA's case and disseminated private information about DAVID JIA.

179. At the time of TONY LAKE'S dissemination of private information about PLAINTIFF, TONY LAKE was employed by the University and her aforementioned acts of disseminating private information were committed while he was acting with the course and scope of his employment.

180. The University is vicariously liable for TONY LAKE'S unlawful conduct committed within the course of his employment.

181. Additionally, the University did not take any steps to stop or prevent this invasion of privacy.

182. PLAINTIFF has suffered and continues to suffer damage as a result of TONY LAKE'S interference with and invasion of privacy.

WHEREFORE, PLAINTIFF respectfully requests judgment against Defendants TONY LAKE and UNIVERSITY OF MIAMI, awarding:

- e. Damages in amounts to be established at trial, including compensatory damages for pain, suffering, and emotional distress, and punitive damages;
- f. Cost; and
- h. Such other and further relief as the court may deem just and proper.

Dated this _____ day of _____, 2017

Respectfully Submitted,

Lonnie B. Richardson
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CERTIFICATE OF COMPLIANCE WITH FONT REQUIREMENTS

I HEREBY CERTIFY that this brief comply with the front requirements of Florida Rule of Appellate Procedure 9.210 (a).

Respectfully Submitted,

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