

1 Sara Powell (005990)
2 Law Office of Sara J. Powell, PLLC
3 550 W. Portland St.
4 Phoenix, AZ 85003
(602) 996-4447
sara@sarapowell.com

5 John C. Clune, *application for admission*
6 *Pro Hac Vice forthcoming,*
7 Hutchinson Black and Cook, LLC
8 921 Walnut Street, Suite 200
9 Boulder, CO 80303
10 clune@hbcboulder.com
11 (303) 442-6514
12 Attorneys for Plaintiff

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kate P. ¹ , Plaintiff, v. Jameis Winston, Defendant.	No. CV- COMPLAINT
---	--------------------------

Plaintiff, for her Complaint against Defendant, Jameis Winston, states as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff is an individual and resident of Maricopa County, Arizona currently and at all times relevant to this lawsuit.

2. Defendant Winston is an individual and a resident of Hillsborough County, Florida.

¹ Kate P. is a pseudonym used in the caption of this complaint. Plaintiff's full name has been disclosed to Defendant. Plaintiff will address the use of this pseudonym with the Court after conferring with Defendant, or at any other time the Court may so require.

1 3. Jurisdiction is proper in this Court pursuant to 28 USC 1332 where the action is
2 between residents of different states and the amount in controversy is more than \$75,000.

3 4. Venue is proper in this District as it is the location of the operative allegations
4 contained herein.

5 **SUMMARY OF CLAIMS**

6 5. This lawsuit arises from the entitled actions of a professional football player who
7 felt permitted to sexually assault his Uber driver following a night of unruly behavior.

8 6. On March 13, 2016, Defendant Winston, a passenger in the Uber ride service that
9 he had summoned, sexually assaulted the driver of the vehicle as she was driving him to his
10 destination.

11 7. Defendant Winston was investigated and found responsible for this behavior by
12 his employer, the National Football League, and suspended for his actions.

13 8. After his suspension was announced, Defendant Winston issued a hollow apology
14 for putting Plaintiff in a bad “position.”

15 9. Defendant returns from suspension in two weeks to continue his playing career
16 where he stands to make 21 million dollars in the 2019 football season alone.

17 10. Defendant has a history of sexually hostile behavior and appears to be no closer to
18 understanding the impact of his conduct.

19 11. Plaintiff brings this action as much to underscore to Defendant the seriousness of
20 his behavior as to receive compensation for damages.

21 12. Plaintiff and Defendant have previously executed an agreement tolling the statute
22 of limitations from March 5, 2018 until September 20, 2018.

23 **GENERAL ALLEGATIONS**

24 13. In March of 2016, Defendant was in Phoenix, Arizona and hanging out with his
25 longtime friend, Ronald Darby (“Darby”), and Darby’s friend, Brandon Banks (“Banks”).

26 14. At that time, Defendant Winston had just completed his first season as a
27 professional football player after attending Florida State University for three years and signing a
28 contract with the Tampa Bay Buccaneers for more than 25 million dollars.

1 15. Also, in March 2018, Defendant was awaiting his deposition in another civil
2 matter in Florida where he was also being sued for sexual battery.

3 **SEXUAL ASSAULT**

4 16. On Saturday evening, March 12, 2016, Plaintiff began her shift working as a
5 driver for Uber, an app-based ride service where account members are linked to local drivers
6 contracted by the company for transportation services.

7 17. Plaintiff had been driving for Uber for over a year.

8 18. As is common for Uber drivers in metropolitan areas, Plaintiff had driven several
9 professional athletes during this time all without incident.

10 19. In the early morning hours of March 13, 2016, Plaintiff received and accepted a
11 request for a ride from the International Club in Scottsdale, AZ with a destination of the Camby
12 Hotel in Phoenix, AZ.

13 20. Plaintiff arrived at the International Club at 1:41 a.m. After she arrived, a few
14 men walked from the Club and towards her vehicle. It was apparent to Plaintiff that one or more
15 of these men would be her passenger. The name on the Uber account that had requested the ride
16 was "Jameis W."

17 21. As the men approached the vehicle, one of them stated, "She is hot. You should
18 sit in the front seat, Jameis." One of the other men opened the front door and the customer got in
19 the front seat.

20 22. Though is it not customary for riders to sit in the front seat, it is not altogether
21 uncommon and did not raise any immediate concerns for Plaintiff.

22 23. After Defendant was in the car, one of the other men now known as Ronald
23 Darby, stated to Plaintiff, "Do you know who you are driving? The Tampa Bay Bucs
24 quarterback." Another one of the men indicated, "You have precious cargo, make sure you take
25 real good care of him."

26 24. Plaintiff proceeded to drive away with Defendant as the sole passenger, seated in
27 the front passenger seat.

28

1 25. Immediately upon pulling out of the parking lot of the International Club,
2 Defendant Winston became belligerent with some male pedestrians that were near the same club
3 -screaming and swearing obscenities and racial epithets out the window. It did not appear as
4 though Mr. Winston knew these people and Plaintiff became concerned that a fight was going to
5 break out and that her vehicle may be damaged as a result. Plaintiff rolled up the vehicle
6 windows which temporarily interrupted the hostility enough for the vehicle to pull away.

7 26. After driving another block, Defendant Winston demanded, "I want a burrito."
8 Plaintiff asked him where he wanted her to take him and he responded, "I don't care I just want a
9 burrito."

10 27. Mr. Winston was clearly in a poor mood. Though he did not appear to be very
11 intoxicated, as he was not slurring his words and did not smell like alcohol, his hostility made
12 Plaintiff concerned that this could be a bad ride.

13 28. Plaintiff drove Defendant Winston to a fast food Mexican restaurant called "Los
14 Betos" where Mr. Winston could order some food through the drive through window, which he
15 did.

16 29. While waiting in the drive through line, Plaintiff googled the Tampa quarterback
17 on her phone and recognized that the search result was in fact the man in the passenger seat.

18 30. While waiting for the food to arrive and without any warning, Defendant Winston
19 leaned toward Plaintiff and placed his fingers between her legs and pressed them firmly against
20 her vagina over her yoga pants.

21 31. Concerned about Defendant Winston's earlier hostility, Plaintiff was very worried
22 about reacting in a manner that could incite Defendant Winston again. Plaintiff looked at
23 Defendant and then back down at his hand and asked, "What's up with that?" Defendant
24 Winston then withdrew his hand.

25 32. Plaintiff was now frightened having just been sexually assaulted by a man who
26 had already been highly belligerent.

27
28

1 33. Plaintiff made no conversation with Defendant Winston, instead just keeping to
2 herself. Throughout the rest of the ride, Plaintiff drove in fear that Defendant Winston would
3 again try to assault her or worse.

4 34. Plaintiff made it to the Camby hotel without further incident and Defendant
5 Winston left the vehicle, leaving his fast food trash behind as well.

6 **DEFENDANT BANNED FROM UBER FOLLOWING INVESTIGATION**

7 35. Plaintiff quickly concluded her ride and data entry on the app platform and then
8 immediately tried calling her boyfriend. He did not respond. Plaintiff then sent him a series of
9 text messages indicating that “I just got semi molested by the Tampa Bay Buc QB” and that she
10 was “pretty shaken up . . .” They discussed via text what to do and whether going to the police
11 would lead to anything given his prior rape investigation in Florida that did not result in charges.

12 36. Plaintiff completed one more ride and then decided she had had enough for the
13 evening and went home.

14 37. The next day, Plaintiff contacted Uber to report what happened. She notified them
15 in an email, and subsequently provided a verbal statement in a recorded phone call with Uber’s
16 Support Team. Uber indicated that they would investigate the matter but, in any event,
17 Defendant Winston would never be paired with her as a passenger again.

18 38. Uber contacted Defendant Winston to get his side of the story. According to
19 Uber’s recorded phone call of the conversation, Defendant Winston stated that he didn’t recall
20 much about the ride that had just happened a few days prior. When the Uber employee used their
21 standard “someone in your party was reported. . .” language used when investigating passenger
22 misconduct, Mr. Winston then offered that there were other people in the car with him.

23 39. After considering the two statements and the ride documents, Uber concluded that
24 Defendant Winston should be banned from their platform and notified him of that outcome. Due
25 to Defendant Winston’s celebrity status and the negative attention that would likely come with
26 any criminal case against Defendant Winston, Plaintiff chose not to report the matter further.

27
28

1 **PLAINTIFF COMES FORWARD DURING THE #METOO MOVEMENT**

2 40. In the fall of 2017, women around the country began coming forward in large
3 numbers to disclose previously unreported allegations of sexual abuse and harassment at the
4 hands of high profile or powerful individuals. The movement, now associated with the hashtag
5 “*MeToo*,” became wide-spread and encouraged women who previously were afraid of coming
6 forward against their more powerful assailants. The courage of these women became contagious
7 and Plaintiff was following the almost daily new disclosures closely in the media.

8 41. As a result, Plaintiff became motivated to overcome her fear of reprisal and
9 contacted BuzzFeed.com, as they had run similar *#MeToo* stories around the same time. A
10 journalist interviewed Plaintiff, performed his due diligence and the story ran as national news.

11 42. In response to the story, Defendant put out his own statement indicating that
12 Plaintiff must have been “confused” about who was sitting next to her and suggested again that
13 there were others in the car.

14 43. Defendant’s friend and companion from the International Club, Ronald Darby,
15 then gave a statement to the media indicating that the allegation was false, that he and another
16 friend were in the car the whole time, and that nothing inappropriate occurred.

17 **NFL INVESTIGATION**

18 44. One such person who saw the news coverage was Lisa Friel, NFL Special
19 Counsel for Investigations. Ms. Friel’s role with the league is to investigate any matters that may
20 fall under the league’s conduct policy and may require discipline of any employee. Ms. Friel
21 reached out to Plaintiff through Uber and requested the opportunity to speak with Plaintiff.

22 45. Ms. Friel asked for Plaintiff’s cooperation in the league investigation and Plaintiff
23 agreed by providing an interview describing the events as well as producing a number of
24 documents that supported her claims at the league’s request. Multiple members of the Plaintiff’s
25 family and friends also gave statements to Ms. Friel, indicating that the Plaintiff had reached out
26 and told all of them within 24 hours after the assault occurred.

27 46. The league found Defendant Winston responsible stating: “As a result, the
28 investigation had concluded that Winston violated the Personal Conduct Policy by touching the

1 driver in an inappropriate and sexual manner without her consent and that disciplinary action was
2 necessary and appropriate.”

3 47. The league further determined that Plaintiff was consistent and credible and that
4 the public accounts described by Defendant and Darby were in fact false and that no one else
5 was in the vehicle other than Plaintiff and Defendant.

6 48. Defendant Winston received a three-game suspension and will return to his role
7 on the team later this month.

8 **FIRST CLAIM FOR RELIEF**

9 **(Sexual Battery)**

10 49. Plaintiff re-alleges and incorporates herein by reference the preceding allegations
11 in each of the above paragraphs.

12 50. Without consent, Defendant intended to cause a harm of offensive contact with
13 Plaintiff by inflicting unwanted sexual contact upon Plaintiff by grabbing her vagina with his
14 hand.

15 51. Defendant did cause such harmful sexual contact by molesting Plaintiff by
16 grabbing her vagina with his hand.

17 52. As a direct and proximate result of Defendant conduct, Plaintiff has suffered
18 damages in the nature of emotional distress as well as future therapy expenses.

19 **SECOND CLAIM FOR RELIEF**

20 **(Punitive Damages)**

21 53. Plaintiff realleges and incorporates by this reference the preceding allegations in
22 each of the above paragraphs.

23 54. Defendant’s conduct complained of herein was attended with a conscious or
24 reckless disregard for a substantial risk of harm to Plaintiff, and a pattern of similar conduct
25 toward other women.

26 55. Plaintiff is entitled to exemplary or punitive damages to punish and deter such
27 conduct.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JURY TRIAL DEMAND

Plaintiff hereby demands a jury trial.

WHEREFORE, Plaintiff seeks a judgment against Defendant as follows:

1. An award of damages to be determined at trial, including, without limitation, Plaintiff's past, present and future emotional pain and suffering, and past and future economic losses in amounts to be determined by the jury;
2. Punitive or exemplary damages;
3. Pre and post-judgment interest on all sums awarded;
4. Such other and further relief as the Court deems just and proper.

Respectfully submitted,

DATED: September 18, 2018

By: /s/ Sara Powell
 Sara Powell
 Law Office of Sara J. Powell, PLLC
 550 W. Portland St.
 Phoenix, AZ 85003
 (602) 996-4447
 sara@sarapowell.com

By: /s/ John C. Clune
 John C. Clune
 Hutchinson Black and Cook, LLC
 921 Walnut Street, Suite 200
 Boulder, CO 80303
 (303) 442-6514
 clune@hbcboulder.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s): Kate P.

Defendant(s): Jameis Winston

County of Residence: Maricopa

County of Residence: Outside the State of Arizona

County Where Claim For Relief Arose: Maricopa

Plaintiff's Atty(s):

Defendant's Atty(s):

Sara J. Powell
Law Office of Sara J. Powell, PLLC
550 W. Portland Street
Phoenix, Arizona 85003
602.996.4447

John C. Clune
Hutchinson Black and Cook, LLC
921 Walnut Street, Suite 200
Boulder, Colorado 80302
303.442.6514

II. Basis of Jurisdiction: **4. Diversity (complete item III)**

III. Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff: - **1 Citizen of This State**
Defendant: - **2 Citizen of Another State**

IV. Origin : **1. Original Proceeding**

V. Nature of Suit: **360 Other Personal Injury**

VI. Cause of Action: **Civil action for damages from sexual battery**

VII. Requested in Complaint

Class Action: **No**
Dollar Demand: **in excess of \$75,000**

Jury Demand: **Yes**

VIII. This case is not related to another case.

Signature: /s/ Sara J. Powell

Date: 9/17/18

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

Revised: 01/2014