

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**JANE DOE,**

PLAINTIFF,

**vs.**

**C.A. No. 15-\_\_\_\_\_**  
**HON.**

**RICHARD ROE,**

DEFENDANT.

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**CYNTHIA E. MERRY (P34539)**  
**MERRY, FARNEN & RYAN, P.C.**

ATTORNEYS FOR PLAINTIFF  
18303 Ten Mile Road, Suite 200  
Roseville, MI 48066  
(586) 776-5142

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**COMPLAINT FOR DAMAGES AND JURY DEMAND**

Plaintiff, **Jane Doe** (hereinafter "Plaintiff"), by her attorneys, **Merry, Farnen & Ryan, P.C.**, states as follows in her Complaint against Defendant, **Richard Roe** (hereinafter "Defendant"):

**JURISDICTIONAL ALLEGATIONS**

1. Plaintiff is a citizen of the State of Michigan, currently residing in the state of New York.
2. Defendant is a citizen of the State of California and his present residence is unknown.

3. The amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of costs, interest and attorneys fees.

4. There is complete diversity of citizenship between the parties.

5. This Complaint is brought anonymously due to the social stigma attached to the damages as well as the celebrity of the Defendant.

6. This Court has original jurisdiction under 28 U.S.C. sec. 1332.

7. All of the events or omissions giving rise to the claim occurred in this judicial district.

8. Venue is proper in the Eastern District of Michigan under 28 U.S.C. sec. 1391.

### **GENERAL ALLEGATIONS**

9. Plaintiff Jane Doe hereby realleges and incorporates herein all of the foregoing paragraphs 1-8.

10. During all relevant times herein, specifically the month of July, 2015, the Plaintiff was subjected to repeated sexual encounters with the Defendant, primarily at his residence in Royal Oak, Michigan. It is during the time period referenced above that Defendant sexually transmitted the disease of the Herpes Simplex Virus II to Plaintiff.

11. Plaintiff did not and has not had any sexual relations with anyone other than Defendant since July of 2015 when she contracted the Herpes Simplex Virus II from Defendant.

**COUNT I**  
**NEGLIGENCE**

12. Plaintiff hereby realleges and incorporates herein all of the foregoing paragraphs 1-11.

13. Defendant had a duty to Plaintiff and any member of the public not to infect her or them with a sexually transmitted disease such as the Herpes Simplex Virus II.

14. Defendant was negligent in transmitting the Herpes Simplex Virus II to Plaintiff in the summer of 2015.

15. In the alternative, Defendant knew or should have known that he was infected with the Herpes Simplex Virus II, a sexually transmittable disease.

16. Defendant breached his duties by failing to adequately protect or prevent Plaintiff from contracting said disease; by failing to advise or warn Plaintiff that he was infected with said sexually transmittable disease; by failing to altogether avoid sexual contact with Plaintiff; and, other such breaches that will be discovered throughout the litigation process.

17. As a direct and proximate consequence of the Defendant breaching his duties to Plaintiff, Plaintiff has suffered and will continue to suffer the following damages:

- a. She is forever infected with the Herpes Simplex Virus II;
- b. Her infection is permanent and irreversible;

- c. She will never be able to have a child through normal vaginal delivery if she contracts the disease during her pregnancy;
- d. She will be taking medication for this disease for her entire life;
- e. She will be forever branded with the social stigma of this disease;
- f. She will have repeated outbreaks and other sequelae of this disease throughout her lifetime;
- g. She will be compelled to advise and warn any potential sexual partners of her disease and may not enjoy the full sexual experience due to her stigma and disease;
- h. She has extreme fear, anxiety, shame, and distress that she will not be able to engage in normal sexual relationships due to the limitations that accompany this disease;
- i. She has extreme fear, anxiety, shame, and distress that any potential long term relationship, including marriage, will be severely jeopardized or not occur at all because of this disease; and,
- j. Other damages unknown or not presently contemplated that may arise in the future as a result of contracting this

disease.

**WHEREFORE**, Plaintiff Jane Doe, prays that this Honorable Court grant judgment in her favor against Defendant Richard Roe in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) that the trier of fact may deem appropriate, together with interest, costs and attorneys as provided by statute.

**COUNT II**  
**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

18. Plaintiff hereby realleges and incorporates herein all of the foregoing paragraphs 1-17.

19. As a direct and proximate consequence of contracting the Herpes Simplex Virus II and in addition to those damages referenced in paragraph 17, Plaintiff has suffered severe and permanent emotional, physical, and psychological distress.

**WHEREFORE**, Plaintiff Jane Doe, prays that this Honorable Court grant judgment in her favor against Defendant Richard Roe in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) that the trier of fact may deem appropriate, together with interest, costs and attorneys as provided by statute.



State of New York  
County of New York

Jane Doe  
**JANE DOE, Plaintiff**

Subscribed and sworn to before me  
this 17<sup>th</sup> day of ~~September~~, 2014.  
November 2015 me

Mindy Chen

MINDY CHEN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01-CH6289928  
Qualified in Queens County  
Certificates Filed in Albany, New York, and Kings Counties  
My Commission Expires September 30, 2017

**MERRY, FARNEN & RYAN, P.C.**

By: Cynthia E. Merry  
**CYNTHIA E. MERRY (P34539)**  
Attorneys for Plaintiff  
18303 Ten Mile Road, Suite 200  
Roseville, MI 48066  
(586) 776-5142

<sup>30</sup>  
Dated: November 16, 2015

**JURY DEMAND**

Plaintiff Jane Doe demands a trial by jury of all issues in the within  
cause of action.

Jane Doe  
**JANE DOE, Plaintiff**

State of New York  
County of New York

Subscribed and sworn to before me  
this 17<sup>th</sup> day of ~~September~~, 2014.  
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**PLAINTIFF JANE DOE'S COMPLAINT AGAINST DEFENDANT RICHARD ROE**

**MERRY, FARNEN & RYAN, P.C.**

By: 

**CYNTHIA E. MERRY (P34539)**

Attorneys for Plaintiff  
18303 Ten Mile Road, Suite 200  
Roseville, MI 48066  
(586) 776-5142

Dated: November <sup>30</sup>16, 2015