

NAJLA THOMAS

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

05

CASE NO.: 10 - 05477

JANE DOE, proceeding under a
pseudonym,

Plaintiff,

vs.

MICHAEL IRVIN,

Defendant,

CIRCUIT CLERK
2010 FEB -4 PM 1:38
CLERK OF CIRCUIT COURT
BROWARD COUNTY, FLORIDA

**COMPLAINT FOR SEXUAL ASSAULT
AND RAPE AND DEMAND FOR JURY TRIAL**

COMES NOW the Plaintiff, JANE DOE, proceeding under a pseudonym, by and through
her undersigned attorneys and sue the Defendant, MICHAEL IRVIN, and alleges:

STATEMENT OF JURISDICTION

1. This is an action for damages in excess of the sum of Fifteen Thousand and
00/100 Dollars (\$15,000.00), exclusive of interest and costs.

IDENTIFICATION OF PARTIES

2. At all times material hereto, the Plaintiff, JANE DOE, was and is a citizen of
Broward County, Florida and is otherwise sui juris.

3. At all times material hereto, the Defendant, MICHAEL IRVIN, was and is a
resident of Broward County, Florida and is otherwise sui juris. Further, the Defendant,
MICHAEL IRVIN, is an ex-National Football League star and member of the Pro Football Hall

Handwritten signature and initials, possibly "R-1" and "2/4/10".

of Fame who played for the Dallas Cowboys from 1988 to 1999.

4. If the Defendant, MICHAEL IRVIN, is deemed to be a non-resident of the State of Florida he would be subject to the jurisdiction of this Court pursuant to the Florida Long Arm Statute in that he committed a tortious act within the State of Florida.

5. Contemporaneous with the filing of this Complaint, the Plaintiff, JANE DOE, has filed a Motion to Proceed Anonymously As a "Jane Doe" Plaintiff in order to protect against acts and threats of physical harm to her person and to protect her significant privacy interests, including information of a highly sensitive and personal nature.

FACTS GIVING RISE TO CAUSE OF ACTION

6. On or about July 4, 2007, the Defendant, MICHAEL IRVIN, was a registered guest at the Seminole Hard Rock Hotel and Casino located at 1 Seminole Way, Ft. Lauderdale, Florida.

7. At the aforementioned time and place, the Defendant, MICHAEL IRVIN, and unknown male companion were consuming large amounts of alcoholic beverages and unknown substances.

8. At the aforementioned time and place, the Defendant, MICHAEL IRVIN, proceeded to buy the Plaintiff, JANE DOE, alcoholic beverages in an intentional effort to get her inebriated.

9. On or about the late evening of July 4, 2007 or the early morning hours of July 5, 2007, the Defendant, MICHAEL IRVIN, enticed and lured the Plaintiff, JANE DOE, to his hotel room wherein he proceed to sexually assault and rape the Plaintiff against her will and consent as hereinafter more fully described.

10. As a direct and proximate result of the sexual assault and rape perpetrated by the

Defendant, MICHAEL IRVIN, the Plaintiff, JANE DOE, sustained serious and permanent injuries as hereinafter more fully alleged.

COUNT I
CLAIM FOR SEXUAL ASSAULT AND RAPE

Plaintiff adopts, realleges and incorporates by reference paragraphs 1 through 10 and further alleges:

11. After entering the Defendant, MICHAEL IRVIN'S, hotel room, the Plaintiff, JANE DOE, was approached by the Defendant and the unknown male companion at which time they started pushing money at her and tried stuffing under her clothes by her breasts.

12. The Plaintiff, JANE DOE, advised the Defendant, MICHAEL IRVIN, that she wanted to leave said hotel room but the Defendant, MICHAEL IRVIN, and his unknown male companion insisted on sexual favors.

13. Subsequent thereto, the unknown male companion and the Defendant, MICHAEL IRVIN, exposed their penises at which time the unknown male companion held the Plaintiff, JANE DOE, down on the bed and covered her mouth.

14. At all times material hereto, the Plaintiff, JANE DOE, refused these sexual advances and insisted she be allowed to leave the hotel room.

15. While trying to squirm and fight her way off the bed, the Defendant, MICHAEL IRVIN, became more aggressive and violent.

16. While being restrained by the unknown male companion, the Defendant, MICHAEL IRVIN, sexually assaulted and raped the Plaintiff, JANE DOE, by unlawfully and knowingly inflicting sexual intrusion into her vagina against her will and without her consent in violation of the laws of the State of Florida.

17. Subsequent thereto, the Defendant, MICHAEL IRVIN, physically flipped the Plaintiff, JANE DOE, over and held her at which time the unknown male companion proceeded to unlawfully and knowingly force his penis into the mouth of the Plaintiff against her will and without her consent forcing her to perform oral sex on him in violation of the laws of the State of Florida. Further, at some point during the sexual assault and rape perpetrated by the Defendant, MICHAEL IRVIN, and his unknown male companion, the Plaintiff, JANE DOE, lost consciousness and was in a state of shock after coming to.

18. At all times material hereto, the Plaintiff, JANE DOE, perceived a threat of potential physical harm if she resisted the sexual advances of the Defendant, MICHAEL IRVIN, and his unknown male companion.

19. Subsequent to the sexual assault and rape perpetrated by the Defendant, MICHAEL IRVIN, and his unknown male companion, Derrick Irvin, brother of the Defendant, MICHAEL IRVIN, entered the room and proceeded to take the Plaintiff, JANE DOE, to another room and assisted in covering the sexual assault and rape up.

20. On information and belief, the Defendant, MICHAEL IRVIN, has a history of attempting to commit similar acts of violent sexual assaults on females and thereby established a pattern and practice of such unlawful acts.

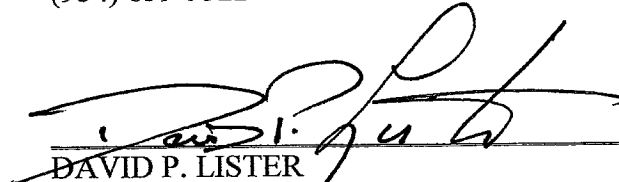
21. As a direct and proximate cause of the sexual assault and rape perpetrated by the Defendant, MICHAEL IRVIN, as set forth above, the Plaintiff, JANE DOE, has suffered stress, emotional distress, mental pain and suffering, adverse physical consequences, physical pain and suffering, has been subjected to ridicule and threats against her life and physical safety and has incurred medical and legal expenses. Said losses and impairments are permanent or continuing in nature and the Plaintiff will suffer such losses and impairments in the future.

22. The sexual assault and rape perpetrated by the Defendant, MICHAEL IRVIN, was an intentional criminal act. The conduct of the Defendant, MICHAEL IRVIN, demonstrates willful, reckless and intentional criminal conduct and that entire want of care that raises a conscious indifference to the consequences. At the appropriate time in this litigation, the Plaintiff, JANE DOE, shall amend her Complaint to assert a claim for punitive damages against the Defendant, MICHAEL IRVIN, pursuant to Florida Statute 768.72.

WHEREFORE the Plaintiff, JANE DOE, demands judgment against the Defendant, MICHAEL IRVIN, together with lawful costs of this suit and a trial by jury of all issues triable as a matter of right by a jury.

DATED this 2ND day of FEBRUARY, 2010.

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