

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

**NICK SOLOMON,
JODI SOLOMON,
ESTATE OF BEAU JORDAN SOLOMON**

Plaintiffs,

v.

Case No: 17-cv-621

**JOHN CABOT UNIVERSITY, INC.,
CHUBB GROUP OF INSURANCE COMPANIES**

Defendants.

COMPLAINT

NOW COME THE PLAINTIFFS, Nick and Jodi Solomon, individually, and on behalf of their deceased child, Beau Jordan Solomon, and the Estate of Beau Jordan Solomon; by their attorneys, Gingras, Cates & Wachs, by Robert J. Gingras and Whitney A. Johnson, and as for their causes of action against the above-named defendants, John Cabot University, Inc. (hereinafter “JCU”) and Chubb Group of Insurance Companies (hereinafter “Chubb”), allege and show the following to the court:

PRELIMINARY STATEMENT

1. Plaintiffs Nick Solomon, Jodi Solomon, and the Estate of Beau Jordan Solomon bring this civil action under 10 Del. C. §§ 3721–3725, 10 Del. C. § 3701 and § 3704, and Delaware common law to redress JCU’s failure to provide adequate safety warnings, as well as to redress all other negligent actions and inactions of Defendant JCU, all of which were a substantial factor in causing the death of Beau Jordan Solomon.

JURISDICTION AND VENUE

2. This Court has original jurisdiction over the state law claims pursuant to 28 U.S.C. § 1332(a)(1), because the amount in controversy in this action exceeds \$75,000.00 and said controversy is between citizens of different states.

3. Venue is proper pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to these claims occurred within this judicial district, and because Defendants reside in this judicial district in that they regularly conduct business within this judicial district, and thus are subject to personal jurisdiction here.

PARTIES

4. Beau Jordan Solomon, deceased, was an adult citizen of the State of Wisconsin, who, at all material times, resided at 103 Aspen Glen Drive, Spring Green, WI 53588.

5. Plaintiff Nick Solomon is the surviving father of the decedent, Beau Jordan Solomon. Plaintiff Nick Solomon is an adult citizen of the State of Wisconsin, and resides at 103 Aspen Glen Drive, Spring Green, WI 53588.

6. Plaintiff Jodi Solomon is the surviving mother of the decedent, Beau Jordan Solomon. Plaintiff Jodi Solomon is an adult citizen of the State of Wisconsin, and resides at 103 Aspen Glen Drive, Spring Green, WI 53588.

7. The interests of Plaintiff Estate of Beau Jordan Solomon are hereby pursued by personal representative Nick Solomon, who is an adult citizen of the State of Wisconsin, residing at 103 Aspen Glen Drive, Spring Green, WI 53588.

8. Upon information and belief, at all relevant times, Defendant JCU is a limited liability company incorporated in the State of Delaware. JCU's registered agent for service of

process is The Corporation Trust Company. The Corporation Trust Company's address is Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

9. Defendant Chubb is an insurance company headquartered in New Jersey, at 15 Mountainview Road, Warren, NJ 07059. At all times relevant hereto, Chubb has been an insurance company operating under the laws of and licensed to sell insurance in the State of Delaware, that had in full force and effect, at all material times, a policy of insurance covering JCU for the alleged negligence which is the subject matter of this complaint, and is therefore directly liable to Plaintiffs for the below enumerated damages. Chubb's registered agent's address for service of process is 330 E. Kilbourn Avenue, Suite 1450, Milwaukee, WI 53202.

ALLEGATIONS OF FACT

10. At all relevant times, Beau Solomon was a student at the University of Wisconsin-Madison (hereinafter "UW").

11. Upon information and belief, in the fall of 2015, Beau registered for the JCU Study Abroad Program in Rome, Italy after speaking with JCU and UW representatives present at the Study Abroad Fair, held on UW's Campus.

12. Upon information and belief, in the past ten years, there have been at least five deaths of individuals in their late teens to mid-twenties who have died under suspicious circumstances near or around the JCU campus, two of these individuals were American students studying at JCU. Four of these deaths were between 2014-2015. Four of the five deaths occurred within 350 yards of JCU's campus.

13. Upon information and belief, prior to Beau Solomon's death, not one of the previous deaths were ever disclosed by JCU to the UW, nor was it disclosed to Beau Solomon.

14. In January 2015, over a year prior to Beau's departure, a student from the University of Iowa ("Iowa") studying at JCU was fatally injured near the Tiber River on his first night in Rome, Italy.

15. Upon information and belief, the Iowa student was attacked and robbed before he was found near the Tiber River. He was wearing an orientation bracelet provided to him by JCU when he was found.

16. In the days after the Iowa student was fatally attacked, JCU employee Kathryne Fedele stated that she questioned whether JCU needed to stop recruiting American students because they are targets.

17. In the days after the Iowa student was fatally attacked, former JCU employee Elizabeth Tyrie stated that she had spoken with JCU President Franco Pavoncello about doing more to prepare the American students. President Franco Pavoncello responded that Americans need to learn to take care of themselves.

18. After the death of the Iowa student, the University of Iowa discussed suspending its program with JCU due to the dangerous nature of the area surrounding JCU.

19. After Beau's death, the University of Iowa suspended its relationship with JCU.

20. From the time Beau registered for the JCU Study Abroad Program to the time of his departure, the UW and JCU held one mandatory orientation program. Upon information and belief, the orientation was held on the UW Campus in March 2016.

21. Both UW faculty and JCU faculty were present at the March 2016 orientation.

22. Upon information and belief, safety at and around JCU was discussed only briefly. There was no discussion of prior deaths or the dangerous nature of the area surrounding the JCU campus.

23. At all relevant times, JCU faculty never warned Beau about the dangerous nature of the area surrounding the JCU campus or provided information on the deaths of past American students killed near JCU.

24. On June 29, 2016, Beau departed for Rome, Italy and arrived in Rome on June 30, 2016 around 2:00 PM at Leonardo da Vinci-Fiumicino Airport.

25. From the airport, Beau was directed by JCU to go straight to the Rome Hilton Airport Hotel. Upon information and belief, he was given his housing assignment, a yellow wristband that read “orientation”, and a packet of information.

26. Beau was informed by JCU staff members that he must wear his yellow orientation bracelet at all times and could not remove it until after orientation was over. Upon information and belief, this is the same kind of bracelet that the Iowa student was wearing when he was attacked and fatally injured.

27. The JCU staff then transported Beau, along with two other UW students, from the Rome Hilton Airport Hotel to their residence on the JCU Campus.

28. Upon information and belief, during the ride from the Hilton Hotel to the Gianicolo Residence, JCU staff directed Beau and the other students in the vehicle to head toward the Tiber River if they ever get lost while in Rome. The JCU staff provided no information on the dangerous nature of the area near the Tiber River.

29. After arriving at the JCU campus, Beau attended a Residential Life Welcome Reception, hosted by JCU, before being allowed to explore the area surrounding JCU’s campus with other JCU and UW students.

30. Upon information and belief, no safety information was discussed, no orientation was conducted, no curfew was imposed, and no requirement that the students remain together or in groups was enforced at the Residential Life Welcome Reception.

31. JCU did not provide Beau with any warnings about the area surrounding JCU, the dangerous nature of the area near the Tiber River, or the previous deaths before allowing Beau to explore the area surrounding the campus.

32. At all relevant times, JCU President Franco Pavoncello knew the area near the Tiber River and on the bridges was an area with substantial criminal activity.

33. JCU President Franco Pavoncello has stated that it is not his responsibility as president of JCU to evaluate the dangers of Rome's nightlife.

34. JCU advertises itself as "An American university in the heart of Rome".

35. Upon information and belief, in the evening of June 30, 2016, Beau went to the same establishment that the Iowa student was at before he was fatally attacked and found near the Tiber River.

36. Upon information and belief, later in the early morning hours of July 1, 2016, Beau was walking back along the Tiber River, where he was directed to go by JCU staff if he got lost, when he was attacked, pushed into the river, and left to drown.

37. Beau was wearing a bracelet that said "USA" the night he was murdered, along with the yellow orientation bracelet provided by JCU.

38. Beau drowned in the river and died on July 1, 2016.

39. Beau's body was found on July 4, 2016 nearly three miles downstream. He was identified by DNA testing.

40. Prior to his departure for JCU and up until the time of his death, Beau never received proper orientation from JCU as to safety procedures for the area surrounding JCU, nor did he receive proper warnings for that particular area of Rome or information about any of the prior deaths, including but not limited to the Iowa student.

41. Upon information and belief, JCU employs and/or uses the services of a guard to stand at the entrance of campus with a loaded gun.

42. The area surrounding JCU campus is known by the locals to be a dangerous area where criminal activity is frequent and Americans are targeted.

43. After Beau's death, JCU implemented a curfew and organized nightly events for the students studying abroad in their first two days at JCU.

44. Upon information and belief, after Beau's death, all students attending JCU now attend a safety session on their first day in Rome that advises students on how to stay out of danger.

45. Upon information and belief, according to JCU employee Deanna Mayer, the intent of the program is to tell the students, in part, "The[] first few days are especially dangerous."

46. Prior to Beau's death, JCU employee Deanna Mayer had considered, yet never implemented, a curfew for the students studying abroad to be in place until they were given proper orientation on the dangerous area surrounding the campus.

47. As a direct and proximate result of JCU's negligence, Beau was fatally injured and Nick and Jodi Solomon have suffered permanent mental anguish, incurred medical expenses, have been deprived of expected pecuniary benefits, and suffered the loss of Beau's society and companionship.

48. As a direct and proximate result of JCU's negligence, Beau Solomon suffered conscious pain and suffering and fear of death.

**FIRST CAUSE OF ACTION: PLAINTIFFS CLAIM OF WRONGFUL DEATH
AGAINST DEFENDANT JOHN CABOT UNIVERSITY**

As for a first cause of action against the above-named Defendants, Plaintiffs allege and show the following to the court:

49. Plaintiffs reallege and incorporate by reference paragraphs one through forty-eight (1-48) of the complaint with the same force and effect as if set forth fully hereinafter.

50. Defendant JCU had a duty to warn its visiting students about the dangerous nature of the area surrounding campus.

51. Defendant JCU was negligent in that it never warned Beau about the dangers of the area surrounding the JCU campus or the prior deaths near their campus, despite JCU's knowledge that the area surrounding the JCU campus was extremely dangerous, especially for American students.

52. JCU was further negligent in that it failed to exercise the level of care and judgment that a reasonable University would use in educating visiting students of the dangers surrounding their campus.

53. Defendant JCU knew, or should have known, that its failure to exercise due care in the performance of warning students of the dangers surrounding their campus was likely to cause harm to such students.

54. As a direct and proximate result of Defendant JCU's negligence, Beau Solomon was unaware of the dangers surrounding the campus, known to Defendant JCU, was robbed, assaulted, and ultimately died as a result.

55. As a direct and proximate result of Defendant JCU's negligence, Plaintiffs have suffered the above enumerated damages.

56. As a direct and proximate result of Defendant JCU's aforesaid causal negligence, Defendant JCU is directly liable to Plaintiffs in an amount to be proven at trial.

**SECOND CAUSE OF ACTION – PLAINTIFF ESTATE OF BEAU JORDAN
SOLOMON'S CLAIM FOR CONSCIOUS PAIN AND SUFFERING AGAINST JOHN
CABOT UNIVERSITY**

As and for a second cause of action against the above named Defendant, Plaintiffs allege and show the following to the court:

57. Plaintiffs reallege and incorporate by reference paragraphs one through fifty-six (1-56) of the complaint with the same force and effect as if set forth fully hereinafter.

58. As a direct and proximate result of Defendant's aforesaid negligence, Beau Solomon suffered a robbery, assault, two head wounds, was forcefully shoved into the water near the JCU campus, and ultimately drowned.

59. Upon information and belief, Beau Solomon was conscious throughout the duration of the attack, as well as while he was in the water up until the time of his death.

60. Upon information and belief, following the attack and throughout the time Beau Solomon was in the water, Beau was apprehensive and aware of his impending death.

61. As a direct and proximate result of Beau Solomon's conscious pain and suffering and fear of impending death, the Estate of Beau Jordan Solomon has a claim under 10 Del. C. § 3701 and § 3704.

**THIRD CAUSE OF ACTION – CLAIM FOR PUNITIVE DAMAGES AGAINST JOHN
CABOT UNIVERSITY**

As and for a third cause of action against the above named Defendant, Plaintiffs allege and show the following to the court:

62. Plaintiffs reallege and incorporate by reference paragraphs one through sixty-one (1-61) of the complaint with the same force and effect as if set forth fully hereinafter.

63. By failing to warn Beau about the dangerous nature of the area surrounding JCU's campus and any of the previous deaths of students in the area surrounding campus, and by directing Beau to go to the Tiber River where these prior deaths had occurred, Defendant JCU acted with a reckless indifference for Beau Solomon's rights.

64. As a direct and proximate result of JCU's reckless indifference for the risk their actions posed and for Beau Solomon's rights, JCU is directly liable to the Estate of Beau Solomon for punitive damages in an amount to be proven at trial, and sufficient to deter such conduct in the future.

**FOURTH CAUSE OF ACTION – DIRECT AGAINST CHUBB GROUP OF
INSURANCE COMPANIES**

As and for a fourth cause of action against the above named Defendant, Plaintiffs allege and show the following to the court:

65. Plaintiffs reallege and incorporate by reference paragraphs one through sixty-four (1-64) of the complaint with the same force and effect as if set forth fully hereinafter.

66. Defendant Chubb is made a party to this lawsuit by virtue of the fact that, upon information and belief, prior to July 1, 2016, it sold a policy of liability insurance insuring Defendant John Cabot University at the time of the incident that is the subject of this lawsuit and indemnifying those injured as a result of Defendant JCU's negligence and for Defendant's reckless indifference of Plaintiffs' rights.

67. At all times material to this action the above mentioned insurance policy was in full force and effect.

68. As a direct and proximate result of Defendant JCU's negligence, Beau Solomon was unaware of the dangers surrounding the campus, known to Defendant JCU, and ultimately died as a result.

69. As a direct and proximate result of Defendant JCU's negligence, Plaintiffs Nick Solomon, Jodi Solomon, and the Estate of Beau Solomon suffered the above enumerated damages.

70. Defendant JCU, by its above conduct, acted with reckless indifference of Plaintiffs' rights, entitling Plaintiffs to punitive damages.

71. As a direct and proximate result of Defendant JCU's aforesaid negligence and reckless indifference for Plaintiffs rights, Defendant Chubb is directly liable to Plaintiffs in an amount to be proven at trial.

WHEREFORE Plaintiffs request the following relief:

1. Judgment both jointly and severally against Defendants JCU and Chubb in an amount to be determined at trial;
2. Compensatory damages to Plaintiffs Nick and Jodi Solomon;
3. Compensatory damages to the Estate of Beau Jordan Solomon;
4. Punitive damages in an amount sufficient to deter similar conduct by the defendants in the future;
5. All statutory interest;
6. All costs, disbursements, and reasonable attorney's fees; and,
7. Any and all other relief the court deems appropriate in this matter.

DEMAND FOR JURY TRIAL

Plaintiffs hereby respectfully demand a jury trial pursuant to the Seventh Amendment of the United States Constitution and Fed. R. Civ. P 38(a).

Dated this 14th day of August, 2017.

GINGRAS, CATES & WACHS



Robert J. Gingras
State Bar No.: 1002909
Whitney A. Johnson
State Bar No.: 1101530
Attorneys for Plaintiffs

Mailing address:
8150 Excelsior Drive
Madison, Wisconsin 53717
P: (608) 833-2632
F: (608) 833-2874