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7. **SUPERIOR COURT OF ARIZONA**
8. **MARICOPA COUNTY**
9.

10. **MACKENZIE BROWN**, a single woman,
11. Plaintiff,

12. v.

13. **STATE OF ARIZONA**, a body politic; and
14. **ARIZONA BOARD OF REGENTS**, d/b/a
University of Arizona, a constitutionally
15. created body corporate,
16. Defendants.

No. CV 2017-012334

COMPLAINT

**(Civil Rights; Intentional Tort;
Negligence)**

17. Plaintiff, Mackenzie Brown ("Brown"), hereby alleges as follows against Defendants,
18. the State of Arizona and the Arizona Board of Regents (d/b/a the University of Arizona or
19. "U of A"):

20. **PARTIES, JURISDICTION AND VENUE**

21. 1. At all relevant times, Plaintiff was a single woman residing in Arizona and was a
22. student at U of A.
23. 2. Defendant State of Arizona is a body politic subject to the jurisdiction of this
24. Court.
25. 3. Defendant Arizona Board of Regents, d/b/a University of Arizona, is a
26. constitutionally created body corporate subject to the jurisdiction of this Court.
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28.

MICHAEL K. JEANES
Clerk of the Superior Court
By Rebecca Mallard, Deputy
Date 09/13/2017 Time 09:38:08
Description Amount
----- CASE# CV2017-012334 -----
CIVIL NEW COMPLAINT 322.00
TOTAL AMOUNT 322.00
Receipt# 26154411

- 1 4. All acts and omissions of Defendants as alleged herein are alleged to have been
- 2 committed through agents of Defendants acting within the course and scope of
- 3 their agency, including members of the U of A athletic department, members of
- 4 the U of A campus police department, and members of U of A administration.
- 5 5. The amount in controversy exceeds the minimum jurisdictional limits of this
- 6 Court.
- 7 6. Subject matter jurisdiction and venue are appropriate in this Court.
- 8 7. All prerequisites of suit against state entities (A.R.S. § 12-821.01) have been met.

9 **GENERAL ALLEGATIONS**

- 10 8. Plaintiff hereby reasserts the above allegations as though incorporated in full
- 11 herein.
- 12 9. Upon information and belief, in early 2015 or before, Defendants began recruiting
- 13 non-party Orlando Bradford (“Bradford”) to become a member of the U of A
- 14 football team.
- 15 10. Bradford agreed to enroll at U of A, and became a U of A student and member of
- 16 the football team in the fall of 2015.
- 17 11. Upon information and belief, Defendants offered, and Bradford accepted, a variety
- 18 of benefits in exchange for his agreement to enroll at U of A and become a member
- 19 of the football team, including financial and educational benefits.
- 20 12. As a student at U of A, Bradford was required to and did agree to certain standards
- 21 of conduct and to subject himself to certain types of discipline by Defendants,
- 22 including, for example, expulsion from the school for certain offenses.
- 23 13. Upon information and belief, as a member of the U of A football team, Bradford
- 24 was required to and did agree to additional standards of conduct and to subject
- 25 himself to certain additional types of discipline by Defendants, including, for
- 26 example, expulsion from the team for certain offenses.
- 27 14. Upon information and belief, the U of A athletic department purported at this time
- 28 to have a “zero tolerance” policy for acts of domestic violence committed by

1 athletes on or off campus, under which a single such act would result in expulsion
2 from the team.

3 15. Upon information and belief, the actual *de facto* policy of the U of A athletic
4 department was to try to minimize reporting of acts of domestic violence, to
5 minimize adverse consequences of such acts, and to prevent such acts from
6 becoming public knowledge, at least for valuable players.

7 16. Soon after enrolling at U of A, Bradford was identified as a major up-and-coming
8 star of the U of A football team.

9 17. Upon information and belief, in or about December 2015, within a few months of
10 Bradford's enrollment at U of A, the mother of a female U of A student-athlete
11 (Victim A) reported to a member of the U of A athletic department that Bradford
12 had physically attacked her daughter, who had been dating Bradford, including by
13 strangling her on more than one occasion.

14 18. Upon information and belief, Defendants responded to this information by
15 instructing Victim A to avoid Bradford in the future and informing Bradford that
16 Victim A's mother had called the school.

17 19. Upon information and belief, Defendants took no steps to protect Victim A or any
18 other female student from Bradford at that time.

19 20. Upon information and belief, during the first few months of 2016, Victim A was
20 observed by members of the U of A athletic department with a black eye and
21 scratches on her neck.

22 21. Upon information and belief, Victim A expressed to the Dean of Students at U of
23 A and additional members of the athletic department at that time her continued
24 fear of Bradford and difficulties avoiding contact with him given their mutual
25 school-related schedules.

26 22. Upon information and belief, Victim A was again merely given advice on avoiding
27 Bradford.
28

- 1 23. On April 10, 2016, Victim A filed a report with the U of A campus police
2 department. Victim A reported to Defendants at that time that Bradford had
3 physically attacked her on multiple occasions and was harassing her at the dorm
4 where they both resided.
- 5 24. Upon information and belief, a representative of the U of A athletic department
6 was present with Victim A at the time she met with campus police officers to file
7 her report.
- 8 25. Upon information and belief, following the April 2016 police report, Defendants
9 directed Bradford to avoid contact with Victim A and banned him from residing
10 in the on campus dorms.
- 11 26. Upon information and belief, Defendants then arranged alternative housing for
12 Bradford near campus, residing with other members of the football team in a
13 private home.
- 14 27. Upon information and belief, Defendants dismissed the campus police report
15 relating to Victim A, and informed Bradford by email that no further action would
16 be taken.
- 17 28. Upon information and belief, Defendants were aware that the off-campus housing
18 “solution” would involve even less supervision of Bradford and therefore even
19 more risk of harm to Victim A or other female students.
- 20 29. Upon information and belief, Defendants took no steps to protect Victim A or any
21 other female student from Bradford at that time.
- 22 30. Upon information and belief, Bradford became involved with a second female
23 student at U of A (“Victim B”) and began physically assaulting her as well,
24 including by strangling her, throwing her to the ground, kicking her in the ribs,
25 and dragging her by the hair.
- 26 31. Upon information and belief, several of Bradford’s attacks on Victim B were
27 witnessed by members of the U of A football team.
- 28

- 1 32. Upon information and belief, the football team members were aware by that time,
2 from the reaction to acts of domestic violence by Bradford and perhaps others, that
3 the “zero tolerance” policy was a sham and therefore did not take it seriously.
- 4 33. Upon information and belief, acts of domestic violence by Bradford and perhaps
5 others were discussed and bragged about openly in team common areas, including
6 locker rooms, and were not kept secret from athletic department staff/ coaches.
- 7 34. By the fall of 2016, Bradford was a starting running back for the U of A football
8 team.
- 9 35. Brown, who was apparently Bradford’s third U of A student victim in less than a
10 year, was repeatedly restrained, brutalized, and humiliated by Bradford over a two-
11 day period on September 12 and 13, 2016.
- 12 36. In particular, Brown was strangled, beaten, dragged by her hair, and told to “say
13 bye to your mom, bitch” because she would never see her again.
- 14 37. Bradford admitted to a witness that he had “tortured” Brown.
- 15 38. Bradford’s teammate-roommates in his university-arranged housing were aware
16 of and failed to intervene in his self-described “torture” of Brown.
- 17 39. Upon information and belief, one teammate reported that Bradford was “telling
18 everyone in the locker room what he had done to Brown and was joking about it.”
- 19 40. Tucson police documented Brown’s injuries on the morning of September 14,
20 2016, and Bradford was arrested on multiple felony counts.
- 21 41. Tucson reporters immediately became aware of Bradford’s arrest and began
22 contacting Defendants for comment.
- 23 42. Shortly afterward, Defendants announced publicly that Bradford had been
24 dismissed from the U of A football team for this “first” act of domestic violence,
25 supposedly consistent with the existing “zero tolerance” domestic violence policy.
- 26 43. Defendants did not disclose to the media that Bradford had been previously
27 removed from the dorms and emplaced in private housing due to prior allegations
28 of domestic violence.

1 44. On July 24, 2017, Brown discovered that Victim A told Tucson Police in February
2 2017 that Defendants had been made aware of physical violence by Bradford in
3 December of 2015.

4 45. Prior to July 24, 2017, it had been Brown's understanding, consistent with
5 Defendants' claims of "zero tolerance," that Defendants had been unaware of any
6 acts of physical violence by Bradford until his arrest.

7 46. The acts and omissions of Defendants in response to Bradford's prior acts of
8 domestic violence were completely unreasonable under the circumstances.

9 47. The acts and omissions of Defendants allowed Bradford to retain his favored
10 position within the campus community without consequence for his known
11 propensity for domestic violence and with reckless disregard for the safety of
12 female students.

13 48. Brown has suffered physically, mentally, and emotionally as a result of the
14 Defendants' acts and omissions. She missed work and school, sought counseling,
15 was afraid to stay alone in her apartment, was afraid to frequent areas of campus
16 where members of the football team were likely to be found, and became anxious
17 about socializing.

18 49. Defendants knew that their acts and omissions described herein were likely to
19 result in attacks upon additional female students, but consciously disregarded that
20 fact in order to retain a star player on the U of A football team, which would bring
21 financial and reputational benefits to the U of A.

22 50. Defendants' conduct and motives were improper, oppressive, outrageous and
23 intolerable, such that an evil mind can be inferred and an award of punitive
24 damages is justified.

25 **COUNT ONE (CIVIL RIGHTS VIOLATIONS—TITLE IX (20 U.S.C. § 1681(a))**

26 51. Plaintiff hereby reasserts the above allegations as though incorporated in full
27 herein.

28

1 52. Defendants operate an educational program receiving federal financial assistance
2 and therefore are (and were at all relevant times) subject to the requirements of 20
3 U.S.C. § 1681(a) ("Title IX").

4 53. Defendants acts and omissions as described herein with respect to domestic
5 violence acts by a star U of A athlete against female students deprived female
6 students of the full benefits of that educational program, or otherwise subjected
7 them to discrimination under that program, on the basis of sex, in violation of Title
8 IX.

9 54. Defendants acted with deliberate indifference to known acts of violence against
10 female students in connection with its programs or activities that it was in a
11 position to address appropriately, and therefore may be held liable for damages
12 under Title IX.

13 **COUNT TWO (INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**

14 55. Plaintiff hereby reasserts the above allegations as though incorporated in full
15 herein.

16 56. Defendants' acts and omissions described herein constituted extreme and
17 outrageous conduct.

18 57. Defendants acted with reckless disregard for the near certainty that emotional
19 distress of some female student(s) would result from their acts and omissions with
20 respect to Bradford, and perhaps others.

21 58. Defendants did, in fact, cause severe emotional distress to Brown as a result of
22 their acts and omissions.

23 **COUNT THREE (NEGLIGENCE)**

24 59. Plaintiff hereby reasserts the above allegations as though incorporated in full
25 herein.

26 60. Defendants had a duty to take reasonable steps to protect U of A students from
27 known risks of harm.
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- 61. As described above, Defendants unreasonably and repeatedly failed to act within their power to prevent Bradford from serially attacking female U of A students.
- 62. Defendants therefore breached their duty to take reasonable steps to protect U of A students from known risks of harm.
- 63. Brown was, in fact, harmed as a proximate result of this breach of duty.

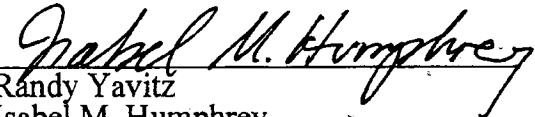
REQUEST FOR RELIEF

WHEREFORE, Brown respectfully requests that the Court enter Judgment against Defendants as follows:

- 1. For compensatory damages in an amount to be proved at trial;
- 2. For Brown's reasonable attorneys' fees, pursuant to Title IX and any other applicable law.
- 3. For Brown's taxable costs;
- 4. For punitive damages in the amount deemed appropriate by the trier of fact to deter similar wrongful acts by Defendants and others;
- 5. For post-judgment interest at the statutory rate; and
- 6. For such other and further relief as the Court deems just and appropriate under the circumstances.

DATED this 12th day of September, 2017.

HUNTER, HUMPHREY & YAVITZ, PLC

By 
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Attorneys for Plaintiff