

**POMPELIO, FOREMAN &
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Attorneys for Plaintiff

SANDY ZIOLKOWSKI,

Plaintiff,

vs.

DREW UNIVERSITY, KIRSTEN CROWE,
HENRY B. PAULIN, John Does 1-
10, John Does 11-20, ABC Corps.
1-20, ABC Corps. 11-20,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY

Docket No.: MRS-L-

Civil Action

COMPLAINT AND JURY DEMAND

SANDY ZIOLKOWSKI, states her complaint against Defendants,
DREW UNIVERSITY, KIRSTEN CROWE and HENRY B. PAULIN as follows:

PRELIMINARY STATEMENT

1. This action arises out of an aggravated assault and battery committed upon SANDY ZIOLKOWSKI on or about February 17, 2008 while she was still attending DREW UNIVERSITY. An intoxicated fellow student, 19 year old KIRSTEN CROWE, dragged SANDY ZIOLKOWSKI down a flight of concrete stairs located in front of Brown Hall rendering SANDY ZIOLKOWSKI unconscious. It is common knowledge that DREW UNIVERSITY has an excessive amount of underage drinking on its campus. However, DREW UNIVERSITY has done very little to

police underage alcohol consumption on its campus despite constant violations and incidents involving underage drinkers. DREW UNIVERSITY reported over 1155 liquor violations in the years 2003-2007. As a result of the underlying drunken aggravated assault and battery on the campus of DREW UNIVERSITY, SANDY ZIOLKOWSKI will live every day for the rest of her life in a state of panic and fear.

THE PARTIES

2. SANDY ZIOLKOWSKI was domiciled in the State of New Jersey at all times pertinent and relevant to the incidents described in this Complaint.

3. DREW UNIVERSITY is a private college with a campus located at 36 Madison Avenue, Madison New Jersey 07940.

4. HENRY B. PAULIN was domiciled in the State of New Jersey at all times pertinent and relevant to the incidents described in this Complaint.

5. KIRSTEN CROWE was domiciled in the State of New Jersey at all times pertinent and relevant to the incidents described in this Complaint.

6. John Does 1-10 and ABC Corps. 1-10 are persons and organizations who hired and paid employees responsible for the safety, welfare and care of the students of DREW UNIVERSITY.

7. John Does 11-20 and ABC Corps. 11-20 are persons employed

by DREW UNIVERSITY for the purposes of making the premises safe.

FACTS

8. KIRSTEN CROWE carried on a romantic relationship with HENRY B. PAULIN throughout the year 2008 while they were college students attending DREW UNIVERSITY.

9. Upon information and belief, DREW UNIVERSITY was on notice of the toxic relationship between KIRSTEN CROWE and HENRY B. PAULIN as they were previously subject to disciplinary action on behalf of DREW UNIVERSITY prior to the date in question.

10. Specifically, DREW UNIVERSITY had a had a "no-contact" directive wherein HENRY B. PAULIN and KIRSTEN CROWE were not to be in one another's presence while on the campus of DREW UNIVERSITY.

11. DREW UNIVERSITY did nothing to enforce any of the disciplinary measures levied upon KIRSTEN CROWE and HENRY B. PAULIN.

12. In November of 2007, KIRSTEN CROWE and HENRY B. PAULIN temporarily ended their romantic relationship.

13. HENRY B. PAULIN began dating SANDY ZIOLKOWSKI in or around November of 2007 after he ended his relationship with KIRSTEN CROWE. HENRY B. PAULIN communicated to SANDY ZIOLKOWSKI on several occasions that should KIRSTEN CROWE see SANDY ZIOLKOWSKI in

person SANDY ZIOLKOWSKI would be in serious physical danger.

14. In the beginning of February of 2008 SANDY ZIOLKOWSKI and HENRY B. PAULIN ended their romantic relationship. Thereafter, HENRY B. PAULIN resumed his relationship with KIRSTEN CROWE.

15. On or about February 17, 2008 alcoholic beverages were being served inside a suite known as Mc Clintock Hall located on the campus of DREW UNIVERSITY in contravention of DREW UNIVERSITY'S own policy on underage alcohol consumption.

16. At DREW UNIVERSITY if an underage student is found drinking alcohol at a party on the campus of DREW UNIVERSITY every person at the party must be cited for a violation. DREW UNIVERSITY has reported that there were 355 alcohol violations in the year 2005 while there have been more than 400 in 2006 and 2007.

17. On or about February 17, 2008 SANDY ZIOLKOWSKI, while in her dormitory, known as Welch Hall located on the campus of DREW UNIVERSITY, received a telephone call at approximately 1:30 A.M. from HENRY B. PAULIN. HENRY B. PAULIN pleaded with SANDY ZIOLKOWSKI to meet him in front Brown Hall, located on the campus of DREW UNIVERSITY. Unbeknownst to SANDY ZIOLKOWSKI, HENRY B. PAULIN and KIRSTEN CROWE had attended a party inside Mc Clintock Hall where alcoholic beverages were being served.

18. SANDY ZIOLKOWSKI reluctantly made the walk by herself to Brown Hall. HENRY B. PAULIN asked that SANDY ZIOLKOWSKI wait for him on the steps of Brown Hall so that they may talk. HENRY B.

PAULIN had told SANDY ZIOLKOWSKI that he was tending to an ill friend on the night in question as opposed to the fact that he was actually at a party wherein alcohol was being served.

19. At approximately 1:44 a.m., SANDY ZIOLKOWSKI was waiting on the steps in front of Brown Hall for the purpose of meeting with HENRY B. PAULIN. At that time and without prior notice or knowledge on behalf of SANDY ZIOLKOWSKI, KIRSTEN CROWE appeared. KIRSTEN CROWE walked by SANDY ZIOLKOWSKI as if she were merely planning to enter the building.

20. Suddenly and without provocation, KIRSTEN CROWE turned around towards SANDY ZIOLKOWSKI and attacked SANDY ZIOLKOWSKI from behind. KIRSTEN CROWE dragged SANDY ZIOLKOWSKI down the concrete stairs by her hair causing her to hit her head onto the pavement while screaming that she was going to "kill her." KRISTEN CROWE was also screaming filthy profanities at SANDY ZIOLKOWSKI throughout the vicious attack. While the attack was occurring SANDY ZIOLKOWSKI lost consciousness.

21. Thereafter, KIRSTEN CROWE was arrested on multiple counts of aggravated assault and terroristic threats. According to DREW UNIVERSITY Director of Public Safety Chief Tom Evans "[KIRSTEN CROWE] said she didn't remember much of what happened. She'd had a lot to drink." (See **Exhibit A**).

22. SANDY ZIOLKOWSKI was transported to Morristown Memorial Hospital where she was examined and released. Due to the traumatic

nature of the underlying attack and the permanent physical and psychological damage caused by the Defendants involved in this matter, SANDY ZIOLKOWSKI dropped out of DREW UNIVERSITY on or about February 29, 2008.

FIRST COUNT

Negligent Security

23. SANDY ZIOLKOWSKI repeats the allegations of each and every preceding paragraph as though set more fully at length.

24. It is reasonably foreseeable that students of DREW UNIVERSITY, in absence of proper security measures would bring alcohol onto the campus located on DREW UNIVERSITY for the purposes of consuming same.

25. SANDY ZIOLKOWSKI'S injuries were proximately caused by DREW UNIVERSITY, its servants, agents, employees and representatives' failure to provide proper security measures in order to police DREW UNIVERSITY students' excessive underage consumption of alcohol.

26. As a result of the negligence on the part of DREW UNIVERSITY and the resultant attack of SANDY ZIOLKOWSKI by KIRSTEN CROWE and HENRY B. PAULIN, SANDY ZIOLKOWSKI has suffered and will continue to suffer severe and permanent emotional distress,

physical manifestations of emotional distress, embarrassment, loss of self-esteem, and other psychological injuries; was prevented and will be continued to be prevented from performing her normal daily activities and obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, and counseling; and incurred and will continue to incur loss of income and loss of earning capacity.

WHEREFORE, SANDY ZIOLKOWSKI demands judgment against Defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such further relief as the court may deem equitable and just.

SECOND COUNT

Negligence

27. SANDY ZIOLKOWSKI repeats the allegations of each and every other preceding paragraph as though more fully set at length.

28. DREW UNIVERSITY, its servants, agents, employees and representatives' have a duty to provide for the safety and well-being of its' students while they are on the grounds owned and operated by DREW UNIVERSITY.

29. DREW UNIVERISTY has breached that duty due to its failure to prevent underage alcohol consumption on its property and by allowing underage drinking to continue on the campus despite over 1155 violations in the past 3-4 years.

30. SANDY ZIOLKOWSKI'S injuries were proximately caused by

DREW UNIVERSITY'S breach of the fundamental duty to provide a safe environment free of underage alcohol consumption on its' campus.

31. As a result of the negligence on the part of DREW UNIVERSITY and the resultant attack of SANDY ZIOLKOWSKI by KIRSTEN CROWE and HENRY B. PAULIN, SANDY ZIOLKOWSKI has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, and other psychological injuries; was prevented and will be continued to be prevented from performing her normal daily activities and obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, and counseling; and incurred and will continue to incur loss of income and loss of earning capacity.

WHEREFORE, SANDY ZIOLKOWSKI demands judgment against Defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such further relief as the court may deem equitable and just.

THIRD COUNT

Gross Negligence

32. SANDY ZIOLKOWSKI repeats the allegations in each and every preceding paragraph as though more fully set at length.

33. DREW UNIVERSITY has reported over 1155 alcohol violations in the past three (3) years. These constant violations exhibit a conscious wanton and reckless disregard of not only DREW

UNIVERSITY'S own policies regarding underage drinking but a willful neglect in obeying the law of the State of New Jersey regarding underage drinking.

34. DREW UNIVERSITY'S willful and wanton neglect with respect to the New Jersey State law and the ignorance of its own internal policies regarding underage drinking are the proximate causes of SANDY ZIOLKOWSKI'S injuries.

35. As a result of the gross negligence on the part of DREW UNIVERSITY and the resultant attack of SANDY ZIOLKOWSKI by KIRSTEN CROWE and HENRY B. PAULIN, SANDY ZIOLKOWSKI has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, and other psychological injuries; was prevented and will be continued to be prevented from performing her normal daily activities and obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, and counseling; and incurred and will continue to incur loss of income and loss of earning capacity.

WHEREFORE, SANDY ZIOLKOWSKI demands judgment against Defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such further relief as the court may deem equitable and just.

FOURTH COUNT

Assault & Battery

36. SANDY ZIOLKOWSKI repeats the allegations of each and every preceding paragraph as though more fully set at length.

37. On or about February 17, 2009 KIRSTEN CROWE, without provocation or consent, grabbed SANDY ZIOLKOWSKI and dragged her down a flight of concrete steps rendering her unconscious.

38. KIRSTEN CROWE with malicious intent did commit an assault and battery upon SANDY ZIOLKOWSKI and is thus liable for the injuries proximately caused by said assault and battery.

39. As a result of the underlying assault and battery of SANDY ZIOLKOWSKI by KIRSTEN CROWE and HENRY B. PAULIN, SANDY ZIOLKOWSKI has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, and other psychological injuries; was prevented and will be continued to be prevented from performing her normal daily activities and obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, and counseling; and incurred and will continue to incur loss of income and loss of earning capacity.

WHEREFORE, SANDY ZIOLKOWSKI demands judgment against Defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such further relief as the court may deem equitable and just.

FIFTH COUNT

**Assault & Battery
Negligent Conduct**

40. SANDY ZIOWLOWSKI repeats the allegations of each and every preceding paragraph as though more fully set at length.

41. KIRSTEN CROWE had a duty to exercise reasonable care with her conduct to avoid unprovoked and uncontrolled acts of violence while in the presence of others.

42. KIRSTEN CROWE breached that duty of care when she negligently and carelessly made the decision to illegally consume alcohol and drag SANDY ZIOLKOWSKI down a flight of concrete stairs thereby causing her to suffer a concussion.

43. In the event that the conduct of KIRSTEN CROWE may be deemed intentional, nevertheless and notwithstanding such determination, the nature and extent of the injuries sustained, which ultimately resulted in the permanent injuries suffered by SANDY ZIOLKOWSKI were unintended.

44. As a result of the underlying attack of SANDY ZIOLKOWSKI by KIRSTEN CROWE and HENRY B. PAULIN, SANDY ZIOLKOWSKI has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, and other psychological injuries; was prevented and will be continued to be prevented from

performing her normal daily activities and obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, and counseling; and incurred and will continue to incur loss of income and loss of earning capacity.

WHEREFORE, SANDY ZIOLKOWSKI demands judgment against Defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such further relief as the court may deem equitable and just.

SIXTH COUNT

Concert of Action

45. SANDY ZIOLKOWSKI repeats the allegations in the preceding paragraphs as through more fully set forth herein.

46. On or about February 17, 2008, HENRY B. PAULIN and KRSTEN CROWE pursued a common plan to commit an assault and battery upon SANDY ZIOLKOWSKI.

47. HENRY B. PAULIN called SANDY ZIOLKOWSKI on the telephone on the night in question for the purpose of creating the opportunity for KIRSTEN CROWE to commit an assault and battery upon SANDY ZIOLKOWSKI.

48. On or about February 17, 2008, said assault and battery

did in fact take place on the campus of DREW UNIVERITY as planned by HENRY B. PAULIN and KIRSTEN CROWE. HENRY B. PAULIN and KIRSTEN CROWE are jointly and severally liable in damages to SANDY ZIOLKOWSKI.

49. As a result of the underlying attack of SANDY ZIOLKOWSKI by KIRSTEN CROWE and HENRY B. PAULIN, SANDY ZIOLKOWSKI has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, and other psychological injuries; was prevented and will be continued to be prevented from performing her normal daily activities and obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, and counseling; and incurred and will continue to incur loss of income and loss of earning capacity.

WHEREFORE, SANDY ZIOLKOWSKI demands judgment against Defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such further relief as the court may deem equitable and just.

SEVENTH COUNT

**Concert of Action
Negligent Conduct**

50. SANDY ZIOLKOWSKI repeats the allegations in the preceding paragraphs as through more fully set forth herein.

51. HENRY B. PAULIN did negligently and carelessly fail to exercise reasonable care when he invited SANDY ZIOLKOWSKI to Brown Hall on the night in question for the purpose of suffering an assault and battery at the hands of KIRSTEN CROWE.

52. In the event that the conduct of HENRY B. PAULIN may be deemed intentional, nevertheless and notwithstanding such determination, the nature and the extent of the injuries sustained, which ultimately resulted in SANDY ZIOLKOWSKI'S permanent injuries were unintended.

53. As a result of the underlying attack of SANDY ZIOLKOWSKI by KIRSTEN CROWE and HENRY B. PAULIN, SANDY ZIOLKOWSKI has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, and other psychological injuries; was prevented and will be continued to be prevented from performing her normal daily activities and obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, and counseling; and incurred and will continue to incur loss of income and loss of earning capacity.

WHEREFORE, SANDY ZIOLKOWSKI demands judgment against Defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such further relief as the court may deem equitable and just.

POMPELIO, FOREMAN & GRAY, L.L.C.

Attorneys for Plaintiff

By: _____

PAUL S. FOREMAN, ESQ.
Attorneys for Plaintiff

DATED: August 28, 2009

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff hereby demands a jury trial.

POMPELIO, FOREMAN & GRAY, L.L.C.

Attorneys for Plaintiff

PAUL S. FOREMAN, ESQ.
Attorney for Plaintiff

DATED: August 28, 2009

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that Paul S. Foreman, Esq., is hereby designated as trial counsel in the above captioned matter.

POMPELIO, FOREMAN & GRAY, L.L.C.

Attorneys for Plaintiff

PAUL S. FOREMAN, ESQ.
Attorney for Plaintiff

DATED: August 28, 2009

DEMAND FOR INTERROGATORIES

Plaintiff demands that the defendant produces certified answers to the Form C and Form C(1) Interrogatories within sixty (60) days of service of this Complaint.

POMPELIO, FOREMAN & GRAY, L.L.C.

Attorneys for Plaintiff

PAUL S. FOREMAN, ESQ.
Attorney for Plaintiff

DATED: August 28, 2009

DEMAND FOR DOCUMENTS

Plaintiff demands that the defendant produce copies of any and all documents in his possession with regard to any of the issues set forth in this Complaint.

POMPELIO, FOREMAN & GRAY, L.L.C.

Attorneys for Plaintiff

PAUL S. FOREMAN, ESQ.
Attorney for Plaintiff

DATED: August 28, 2009

CERTIFICATION

The undersigned hereby certifies that the matter in controversy is not the subject of any other action pending in any court or of any pending arbitration proceeding and that no other or arbitration proceeding are presently contemplated.

The undersigned further certifies that there are no other parties of which he is presently aware or should be joined in this action.

POMPELIO, FOREMAN & GRAY, L.L.C.

Attorneys for Plaintiff

PAUL S. FOREMAN, ESQ.
Attorney for Plaintiff

DATED: August 28, 2009

