

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Jane Doe;

Court File No. _____

Case Type: Personal Injury

Plaintiff,

v.

**COMPLAINT AND
JURY DEMAND**

Robert Sylvester Kelly;

Defendant.

For her Complaint against Defendant, Plaintiff states and alleges as follows:

INTRODUCTION

1. Plaintiff brings this action for money damages arising out Defendant's sexual assault of her when she was a minor.

PARTIES

2. Plaintiff Jane Doe is a Minnesota resident.
3. Upon information and belief, Defendant Robert Sylvester Kelly is an Illinois resident.

JURISDICTION AND VENUE

4. This Court has jurisdiction over Plaintiff's claims, and venue is appropriate, pursuant to Minn. Stat. § 542.09, as the events alleged herein occurred in Hennepin County, Minnesota.

FACTS

5. On July 11, 2001, Jane Doe encountered Defendant at City Center in downtown Minneapolis, Minnesota, where he was signing autographs for fans.

6. Jane Doe handed a piece of paper to Defendant for him to autograph, and Defendant returned the paper with his autograph and a phone number on it.

7. Later, Jane Doe called the phone number and was directed by Defendant and/or an accomplice of Defendant to a hotel in downtown Minneapolis to meet Defendant.

8. When Jane Doe arrived at the hotel, she was met by an accomplice of Defendant in the lobby, who escorted her to Defendant's hotel room.

9. Jane Doe waited in the hotel room a short period of time before Defendant entered.

10. Defendant gave Jane Doe \$200.00 to dance naked for him.

11. Defendant removed Jane Doe's clothes and his own and laid on the bed.

12. Jane Doe climbed on top of Defendant and danced for him as he rubbed his hands all over her body including her vagina and breasts.

13. At the time of the incident, Jane Doe was seventeen years old.

14. Upon information and belief, Defendant was aware that Jane Doe was seventeen years old at the time of the incident.

15. At some point during the incident, Defendant told Jane Doe that he would put her name on the guestlist for Defendant's concert that night, which would allow her to get into the 18+ concert even though she was not eighteen years old.

16. As a result of Defendant's sexual assault of Jane Doe, Jane Doe has sustained permanent debilitating psychological injuries. Jane Doe has received SSI disability benefits as a result of her injuries since she was nineteen years old. Jane Doe has also received and continues to receive medical treatment for her injuries.

17. As a result of Defendant's actions, Jane Doe has sustained and will continue to sustain general damages, including but not limited to psychological trauma and disability, emotional distress, and pain and suffering in amounts to be determined at trial and reasonably believed to be in excess of \$50,000.00.

18. As a result of Defendant's actions, Plaintiff has also sustained special damages in amounts to be determined for past and future medical and other treatment expenses, lost income, and lost earning capacity.

**COUNT I
SEXUAL ASSAULT**

19. Plaintiff incorporates the foregoing paragraphs as if set forth fully herein.

20. Defendant engaged in sexual touching of Plaintiff on July 11, 2001.

21. Plaintiff did not consent to the sexual contact.

22. Plaintiff could not legally consent to the sexual contact.

23. Defendant used forced or coercion to make the sexual contact.

24. Plaintiff was seventeen years old at the time of the sexual contact.

25. Defendant was twenty-seven years old at the time of the sexual contact.

26. Defendant was in a position of authority over Plaintiff at the time of the sexual contact.

27. Plaintiff sustained and will continue to sustain damages alleged herein as a direct result of Defendant's conduct. As such, Plaintiff is entitled to a money judgment against Defendant in an amount to be determined at trial and reasonably believed to be in excess of \$50,000.00.

COUNT II
ACTION FOR DAMAGES PURSUANT TO MINN. STAT. § 541.073

28. Plaintiff incorporates the foregoing paragraphs as if set forth fully herein.

29. Defendant's conduct as alleged herein constitutes "sexual abuse" as defined in Minn. Stat. §§ 609.342-609.3451.

30. Plaintiff sustained and will continue to sustain damages alleged herein as a direct result of Defendant's sexual abuse. As such, Plaintiff is entitled to a money judgment against Defendant in an amount to be determined at trial and reasonably believed to be in excess of \$50,000.00.

JURY DEMAND

31. Plaintiff requests a trial by jury on each count set forth in this Complaint, and on any additional or amended counts which may hereinafter be alleged.

WHEREFORE, Plaintiff respectfully requests the Court grant the following relief:

1. Leave of Court to maintain this action pursuant to Rule 10.01, to proceed anonymously and identify Plaintiff only by the pseudonym "Jane Doe" in all filed or served pleadings, motions, and other documents in this action, except as otherwise stipulated by the parties or ordered by the Court;

2. Findings that Defendant is liable to Plaintiff on the counts alleged against him herein;

3. A money judgement against Defendant as and for compensatory relief for Plaintiff's special and general damages, in an amount to be proven at trial and reasonably believed to be in excess of \$50,000.00;

4. An award against Defendant for costs and disbursements incurred by Plaintiff in bringing this action;

5. Pre-judgment, post-judgment, and post-verdict interest;
6. Leave to amend the Complaint to seek punitive damages; and
7. Any further and additional relief the Court may deem just and equitable.

Respectfully Submitted,

MESHBESHER & ASSOCIATES, P.A.

Dated: 1/15/2021

s/ Richard E. Student

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ACKNOWLEDGMENT PURSUANT TO MINN. STAT. § 549.211

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party or parties pursuant to Minn. Stat. § 549.211.

Dated: 1/15/2021

s/ Richard E. Student

Steven J. Meshbeshler (#127413)
Richard E. Student (#390266)
Sammi D. Nachtigal (#400774)