

2. Defendants' purpose in publishing the article was to weave a narrative that depicted the University of Virginia ("UVA") as an institution that is indifferent to rape on campus, and more concerned with protecting its reputation than with assisting victims of sexual assault.

3. The article leads with a horrific, graphic description of a violent gang rape of a UVA freshman, identified only as "Jackie" in the article. The article claims that Jackie was asked out to a fraternity date party by a coworker at the University pool who was a member of the Phi Kappa Psi fraternity. At the party, Jackie was led to a pitch-black room upstairs, where she was tackled through a glass table, punched in the face, and brutally gang raped for three hours by seven men while her date, "Drew," directed the assault as part of a fraternity initiation ritual.

4. To personify the University's alleged institutional indifference to rape, Erdely and *Rolling Stone* cast Dean Eramo, who met with and counseled Jackie, as the chief villain of the story. Erdely and *Rolling Stone* claimed — both in the article and in a slew of media appearances and interviews designed to increase publicity for the article — that Dean Eramo intentionally tried to coddle Jackie to persuade her not to report her rape; that she was indifferent to Jackie's allegations; that she discouraged Jackie from sharing her story with others; that she "abuse[d]" Jackie; that she did "nothing" in response to Jackie's allegations; that she claimed that UVA withholds rape statistics "because nobody wants to send their daughter to the rape school"; that she did not report Jackie's alleged assault to the police; that she "brushed off" Jackie; and that she actively sought to "suppress" Jackie's supposed gang rape.

5. These statements, and the portrayal of Dean Eramo, in "A Rape on Campus" and in Erdely and *Rolling Stone's* subsequent public statements, are categorically false. Indeed, publicly available information demonstrates that the highly disparaging claims about Dean

Eramo are all untrue. In fact, upon being told of Jackie's allegations of sexual assault — which differed materially from the description Erdely and *Rolling Stone* published — Dean Eramo immediately offered to assist Jackie in holding her attackers accountable — by going to the police, by pursuing misconduct proceedings within the University, or by both. Dean Eramo ultimately persuaded Jackie to speak with the police, and she arranged and attended two different meetings between Jackie and officers from the University Police Department and the Charlottesville Police Department.

6. Dean Eramo's efforts did not result in an official complaint or report to police — not because Dean Eramo tried to “suppress” Jackie's allegations or persuade her to remain silent — but because Jackie adamantly refused to cooperate with law enforcement or name her alleged attackers. As the Charlottesville Police Department has since confirmed, Jackie insisted both to Dean Eramo and to the police that she did not want her claims investigated, and she refused to provide any specific details that would have allowed them to do so. When police again tried to investigate the supposed sexual assault following the nationwide outcry after the publication of “A Rape on Campus,” Jackie retained a lawyer and refused to speak with the detectives who were trying to substantiate her claims. As the *Washington Post* later noted, contrary to Erdely and *Rolling Stone*'s portrayal of Dean Eramo as “incompetent and insensitive,” Dean Eramo was “actually quite active in seeking an investigation and justice for the allegations” Jackie presented.

7. Erdely and *Rolling Stone*'s allegations against Dean Eramo are not only clearly false, but they are defamatory *per se*. By claiming that Dean Eramo “abused” Jackie, discouraged her from reporting her alleged gang rape, and coddled Jackie into inaction to protect UVA, *Rolling Stone* and Erdely attributed to Dean Eramo conduct unfit for a counselor of victims of sexual assault and the head of UVA's Sexual Misconduct Board. Moreover, these

statements prejudiced Dean Eramo in her profession as a UVA Dean and administrator who is responsible for the welfare of UVA students and sexual assault survivors.

8. Not surprisingly, these claims had a devastating effect on Dean Eramo's reputation. As a woman who has dedicated her life to assisting victims of sexual assault and domestic abuse, Dean Eramo saw herself tarred in the national press as the chief architect of a conspiracy to suppress Jackie's assault in order to protect UVA's reputation. Dean Eramo received a wave of emails and letters from people across the county attacking her as, among other things, "evil," a "wretched rape apologist," and a "disgusting, worthless piece of trash."

9. *Rolling Stone* and Erdely's highly defamatory and false statements about Dean Eramo were not the result of an innocent mistake; they were the result of a wanton journalist who was more concerned with writing an article that fulfilled her preconceived narrative about the victimization of women on American college campuses, and a malicious publisher who was more concerned about selling magazines to boost the economic bottom line for its faltering magazine, than they were about discovering the truth or actual facts.

10. Erdely and *Rolling Stone* acted with actual malice when they published "A Rape on Campus." Erdely and *Rolling Stone* knew that Jackie was not a reliable source for truthful information about her interactions with Dean Eramo. They had serious doubts about the truth of the disparaging claims they planned to make about Dean Eramo, but intentionally violated commonly accepted journalistic norms and consciously failed to investigate sources and information that they believed would have revealed the falsity of the charges they leveled. Erdely and *Rolling Stone* were intent on painting a narrative that depicted Dean Eramo as complicit in a cover up of Jackie's allegations and, having made the decision to so accuse Dean Eramo, celebrated their preconceived narrative by including an intentionally doctored illustration

of Dean Eramo that depicts her as callous toward a sexual assault victim sitting and crying in her office.

11. Erdely and *Rolling Stone's* malice further is evidenced by the many half-truths, untruths, and flat out lies Erdely and *Rolling Stone* told in the days following publication of the story in an effort to defend the credibility of a story they knew was likely false. Erdely and *Rolling Stone* claimed to have interviewed sources they did not interview, claimed to have verified Jackie's claims when they did no such thing, and claimed to know who Jackie's alleged perpetrators were when in fact they had no idea whether they even existed.

12. Perhaps Defendants' most outrageous and disgraceful conduct occurred in the last days of November and early days of December 2014. By Erdely and *Rolling Stone's* own admission, by November 26, 2014 they had concluded that Jackie was unreliable and were concerned about the integrity of their story — as Erdely herself put it, an “alarm bell” was going off in her head. However, Erdely and *Rolling Stone* kept up a public charade designed to prevent an increasingly skeptical public from learning that the story was false.

13. From November 26, 2014 until December 5, 2014 — when *Rolling Stone* was finally forced to admit publicly that it had lost faith in the story, after the fraternity involved presented information concretely repudiating Erdely and *Rolling Stone's* account — Erdely and *Rolling Stone* continued to conduct a nationwide press tour in which they repeatedly and callously doubled down on their false claims that Dean Eramo was indifferent to Jackie's allegations, that she did nothing in response to them, that she did not report them to the police, and that she instead sought to suppress Jackie's allegations and discourage her from reporting them. Erdely and *Rolling Stone* also continued to profess publicly absolute faith in Jackie's credibility, despite knowing privately that she was not credible. Ironically, far from Dean Eramo suppressing Jackie's alleged gang rape to protect UVA's reputation, it was Erdely and

Rolling Stone that engaged in a clear pattern of suppression of the truth and active deceit to protect the reputation of their magazine — with complete disregard for the harm they were causing to Dean Eramo.

14. Despite Erdely and *Rolling Stone*'s efforts to hide the truth, "A Rape on Campus" was eventually exposed as a monumental hoax. Commentators have called the article "a disgrace" and "bogus journalism" that "violated nearly every tenet of reporting." Even a report commissioned by *Rolling Stone* itself called the article "a journalistic failure" and noted that *Rolling Stone* "set aside or rationalized as unnecessary essential practices of reporting," and then intentionally "glossed over the gaps" it knew existed in the reporting of the article.

15. Even in the aftermath of what has been described as Erdely and *Rolling Stone*'s "systematic failures" that lead to publication of "A Rape on Campus," *Rolling Stone* elected not to discipline Erdely or any of its editors.

16. Dean Eramo brings this action to vindicate her rights under civil law, to restore her reputation as a highly-regarded university administrator and advocate for victims of sexual violence, and to establish Erdely and *Rolling Stone*'s liability for the irreparable harm that they caused to her reputation by the false and defamatory statements published in "A Rape on Campus," as well as the myriad defamatory statements made by Erdely and *Rolling Stone* during their subsequent publicity tour. Dean Eramo seeks an award of compensatory damages for the reputational harm caused by Erdely and *Rolling Stone*'s defamatory statements and, given the willful and malicious nature of Defendants' conduct in knowingly publishing defamatory falsehoods about Dean Eramo, she also seeks an award of punitive damages.

PARTIES

17. Plaintiff Nicole Eramo is an individual and resident of the Commonwealth of Virginia, City of Charlottesville. She is an Associate Dean of Students at UVA, located in

Charlottesville. Dean Eramo was one of the primary targets of Defendants' false and defamatory article.

18. Defendant Rolling Stone LLC is a privately held Delaware limited liability company with its headquarters in New York, New York. Upon information and belief, Rolling Stone LLC has a sole member, which is Wenner Media LLC. Rolling Stone LLC publishes Rolling Stone magazine in conjunction with Wenner Media LLC. Defendants Rolling Stone LLC and Wenner Media LLC are collectively referred to herein as "*Rolling Stone.*" *Rolling Stone* published the false and defamatory article about Dean Eramo on its website and in its December 2014 print edition of the magazine.

19. Defendant Sabrina Rubin Erdely is a journalist and magazine reporter who is employed as a Contributing Editor for *Rolling Stone* magazine. Erdely is a resident of the Commonwealth of Pennsylvania. Erdely authored and published the defamatory article that falsely accused Dean Eramo of discouraging Jackie to report her alleged rape.

20. Defendant Wenner Media LLC is a privately held Delaware limited liability company with its headquarters in New York, New York. No publicly available information identifies the members of Wenner Media LLC. Wenner Media LLC publishes *Rolling Stone* magazine in conjunction with Rolling Stone LLC, and also publishes *Us Weekly* and *Men's Journal* magazines. Defendants Rolling Stone LLC and Wenner Media LLC are collectively referred to herein as "*Rolling Stone.*" *Rolling Stone* published the false and defamatory article about Dean Eramo on its website and in its December 2014 print edition of the magazine.

JURISDICTION AND VENUE

21. This Court has specific personal jurisdiction over Defendants under Virginia's long-arm statute, Va. Code § 8.01-328.1, as well as under the Due Process Clause of the U.S. Constitution, because, among other things, the causes of action asserted in this Complaint arise

from Defendants transacting business in this Commonwealth and causing tortious injury by an act or omission in this Commonwealth. Moreover, exercising jurisdiction would not offend traditional notions of fair play and substantial justice because Defendants could have — and should have — reasonably foreseen being haled into a Virginia court to account for their defamatory statements regarding a Virginia citizen and resident they knew to be employed by the University of Virginia.

22. Defendants knew that that Dean Eramo is a resident of Virginia and that UVA is a Virginia institution and, as such, their act of writing and publishing an article critical of Dean Eramo and the University manifests their intent to aim their defamatory publication into Virginia and at a Virginia audience.

23. *Rolling Stone* also regularly solicits business in this Commonwealth and derives substantial revenue from sale of magazines and sale of advertising resulting from their directing their publications, including the article at issue in this action, into this Commonwealth and at residents of this Commonwealth. *Rolling Stone* magazine may be purchased at any number of retail locations within Virginia, and, upon information and belief, it has thousands of Virginia subscribers of its print edition, and accordingly, it sends thousands of magazines each month into Virginia — including the December 2014 print edition in which the defamatory article was published. *Rolling Stone* also purchased at least one photograph used in the defamatory article from the *Cavalier Daily*, UVA's student newspaper.

24. For her part, Ms. Erdely conducted multiple interviews in — and directed myriad communications via phone and email into — the Commonwealth of Virginia as part of her pre-publication work in authoring “A Rape on Campus.” For example, Erdely spoke with Jackie, who lived in Charlottesville, Virginia, by telephone at least nine times, texted and emailed with her numerous times, and interviewed her in person in Charlottesville. Erdely spent

approximately one week in Charlottesville reporting the story, during which time she interviewed other individuals mentioned in the article, toured the campus, and attended a UVA Board of Visitors meeting. Erdely directed other phone calls and emails into Virginia to other UVA students, administrators, and fraternity representatives, as well as to Jackie's mother. Upon information and belief, Erdely continued her reporting — and had additional contacts with Virginia citizens and residents through emails, phone calls, and in-person interviews in Virginia — after the article was initially debunked.

25. Venue is proper in this circuit under Va. Code § 8.01-262 because the causes of action asserted herein arose in this Circuit and the plaintiff resides in this Circuit.

FACTS

Dean Eramo Dedicates Her Career To Advocating For Victims Of Sexual Assault And Domestic Violence

26. Plaintiff Nicole Eramo is a “triple Hoo,” having earned three degrees from UVA (the school's unofficial term for a student is “Wahoo”). She earned her Bachelor of Arts in 1997, a Masters in Education in Social Foundations in 2003, and a Ph.D. in Education in 2010. Dean Eramo has worked for UVA in various capacities since 1997.

27. Dean Eramo began working for UVA upon completion of her undergraduate studies in 1997 as a Special Assistant to the Honor Committee. In this capacity, she was responsible for, among other things, assisting with programs to educate students on ethical issues in education, coordinating juror participation in student-led trials for honor code violations, and working with students, parents, faculty, and administrators regarding Honor System issues and concerns. She held this position until 2006.

28. From 2005 to 2006, Dean Eramo also worked as a Doctoral Intern in the Office of the Provost, while earning her Ph.D. In this position she was responsible for working on policies

for tenure and non-tenure track faculty, and for leading and coordinating meetings of the Provost's Internal Policy Committee.

29. In September 2006, she became an Assistant Dean of Students at UVA. One of her chief responsibilities as an Assistant Dean of Students was to chair UVA's Sexual Misconduct Board, the University body that adjudicates all reports of sexual assault and misconduct. In addition to overseeing the Board's adjudications, Dean Eramo worked to educate students about sexual assault and about the Board and its functions.

30. Dean Eramo has made assisting those in crisis the focus of her professional career, and she devotes much of her free time to this calling as well. From 1998 through 2006, she worked as a volunteer and manager for the Shelter for Help in Emergency in Charlottesville, a nonprofit that works to support and empower victims of domestic violence. There, Dean Eramo worked the phones to help counsel and assist callers in crisis situations, and also managed the shelter's operations. She underwent weeks of extensive training in order to prepare for this volunteer position.

31. In 2010, Dean Eramo became an Associate Dean of Students. In this capacity she continued to chair the Sexual Misconduct Board, and she also took on a greater role as an advocate and supporter of victims of sexual assault, providing outreach and support to individual affected students. Dean Eramo also serves as a member of the Dean-on-Call rotation, making herself available to respond to any kind of student emergency after hours, and working with individual students, families, and academic colleagues to coordinate ongoing support and services for UVA students in need.

32. Dean Eramo has undergone extensive training for her work as an advocate for sexual assault victims. She has attended seminars and conferences on college student sexuality, sexual assault, the role of alcohol in college sexual assaults, sexual assault and domestic violence

survivor support, legal issues surrounding campus sexual assaults, and engaging males in prevention of violence against women, among many others.

33. Dean Eramo has been widely lauded for her work as an advocate for victims of sexual assault at UVA and has earned a reputation as tireless supporter of victims and of UVA students generally. In 2010 she received the Raven Award from the Raven Society for service to the University. In April 2014, Dean Eramo received the Z Society's Pale Z Award, its highest and rarest honor, for her work with students whose lives have been affected by sexual violence. In 2015, the UVA Honor Committee awarded Dean Eramo the Henry St. George Tucker Award as the faculty member who best embodies the ideals of honor at UVA.

34. Following the publication of "A Rape on Campus" in November 2014, dozens of students and community supporters that have interacted with Dean Eramo wrote an open letter to the *Cavalier Daily* — UVA's student newspaper — "advocating for our advocate, Nicole Eramo." These students and supporters praised Dean Eramo as "above and beyond the best resource the University has," called her "superb" at her job, commended her for being "passionate" and "selfless," and complimented her as "professional, caring, and extremely competent at an extremely difficult job."

Erdely Develops An Agenda-Driven Journalism Career Recently Marred By Sensationalized Stories About Sexual Assault

35. Erdely has stated publicly that she decided to become a journalist in college. Since graduating from the University of Pennsylvania in 1994, Erdely has written for a number of publications, including *GQ*, *The New Yorker*, *Mother Jones*, *Cosmopolitan* and *Self*. Erdely has a history of writing stories about the victimization of women, including rape, harassment, and women's unequal access to health and medical care in the United States and around the world.

36. Many of Erdely's stories have been criticized for their lack of factual accuracy. While studying at the University of Pennsylvania, Erdely received a college journalism award from *Rolling Stone* for an article she wrote profiling folk singer Michelle Shocked. Erdely later admitted that "just about everything in the story was wrong," because Erdely failed to attend a significant portion of a press conference where Shocked was interviewed. Erdely missed "practically everything" during the event, failed to secure time with the singer during the question and answer portion of the conference, and instead cobbled together "facts" about the singer borrowed from other mainstream publications. After the piece was published, Shocked's husband called Erdely to explain the factual problems with the story. According to Erdely, this "taught her such an important early lesson."

37. Long before Erdely wrote "A Rape on Campus," Erdely has made a practice of using narrative journalism in which a shocking rape case is used as the vehicle to show that a given institution is indifferent to, or actively seeks to conceal, sexual assaults.

38. As early as 1996, Erdely published an article entitled "Intimate Intimidation" in *Philadelphia* magazine, detailing the alleged molestation of a gynecology patient by her physician during an exam. Like "A Rape on Campus," Erdely describes in graphic detail the alleged assault by the accuser, and then goes on to paint a picture of how the states' medical licensing systems, the physician's employers, and even the justice and court systems failed in their respective duties — each ultimately failing to protect the women who had been molested.

39. In the November 2008 edition of *Self* magazine, Erdely published an article entitled "The Crime Against Women No One Understands," which much like "A Rape on Campus" begins with a graphic depiction of one woman's account of a rape she suffered after her drink was allegedly drugged during a date. The article used this graphic depiction of an anal rape to argue that juries often fail to convict "nonstranger" date rapists because the crimes are not

violent attacks and because victims do not necessarily act the way jurors expect a rape victim to act.

40. More recently, Erdely has authored articles about sexual assault that have fallen under serious criticism for their factual inaccuracy. In 2011, Erdely wrote a story for *Rolling Stone* in which she claimed that an altar boy, pseudonymously called “Billy Doe,” was raped by two priests and a Catholic schoolteacher in Philadelphia, and that these crimes were covered up by Catholic officials. The article was titled “The Catholic Church’s Sex-Crime Files: How a scandal in Philadelphia exposed documents that reveal a high-level conspiracy to cover up decades of sexual abuse.” Following the debunking of “A Rape on Campus,” Newsweek examined the Billy Doe story, determining that “the factual discrepancies in Jackie’s story are dwarfed by the factual discrepancies in Billy’s story that was published in the September 15, 2011 issue of *Rolling Stone*,” and noting Billy Doe’s “astonishing lack of credibility.”

41. Whereas Erdely’s previous rape stories generally involved somewhat verifiable allegations — where individuals were charged and/or convicted — Erdely has since dispensed with the need for verification in favor of more sensationalist narrative journalism. In 2013, *Rolling Stone* published a story by Erdely called “The Rape of Petty Officer Blumer: Inside the military’s culture of sex abuse, denial and cover-up.” The structure of that article is very similar to “A Rape on Campus.” That article was centered on the story of a female naval officer who was arrested for drunk driving and subsequently behaved erratically and was extremely intoxicated, fighting with officers, screaming incoherently, and attempting to remove her clothes in her jail cell. Erdely claimed that the woman had been drugged at a bar and sexually assaulted, and that this was the reason for her behavior. Erdely further implied that Navy officials tried to dissuade the officer from reporting her rape and did little to investigate her claims.

42. In reality, Naval officials conducted an extensive investigation that lasted a year and a half, performed a toxin screen that revealed no “date rape” drugs in the woman’s system, interviewed individuals that were at the bar with the officer that night, and generally found no physical evidence whatsoever supporting the claim that she was sexually assaulted. But in order to support her narrative that the military is indifferent to sexual assault, Erdely simply ignored this inconvenient evidence and reported the rape and supposed cover-up as if they were fact.

43. *Rolling Stone* published both the Billy Doe and Officer Blumer articles and was therefore aware of Erdely’s penchant for placing wholesale trust in unreliable sources and for purposefully avoiding facts that do not support her preconceived narrative regarding the particular institution that is failing to protect individuals from rape.

44. According to Erdely herself, when she set out to write “A Rape on Campus,” she wanted to repeat the narrative she wove about the U.S. Navy in “The Rape of Petty Officer Blumer,” but this time using an elite college as the offending institution. The *Washington Post* reported that Erdely worked for six weeks interviewing women at Harvard, Yale, Princeton, and Penn, before she identified Jackie as an enthusiastic source “dying to share [her story].”

**Rolling Stone Publishes “A Rape on Campus:
A Brutal Assault and Struggle for Justice at UVA”**

45. On November 19, 2014, *Rolling Stone* published “A Rape on Campus: A Brutal Assault and Struggle for Justice at UVA.” The article was published online on *Rolling Stone*’s website. The article was republished in the hardcopy edition of *Rolling Stone* dated December 4, 2014.

46. The centerpiece of the article is Erdely’s description of the story of “Jackie,” a UVA student who Erdely claims was gang-raped during a date function party at the Phi Kappa Psi fraternity house just weeks into her freshman year, on September 28, 2012. Erdely tells the story of Jackie’s alleged sexual assault in vivid and graphic detail.

47. According to Erdely, Jackie was invited to the party by a “handsome Phi Kappa Psi brother” — called “Drew” in the article — who worked with Jackie at the UVA pool. Erdely wrote that during the party, “Drew” asked Jackie to go upstairs to a room at the fraternity house. Upon entering the “pitch-black” room, Jackie felt someone bump into her and she screamed. A man told her to shut up, tackling her backward and sending her crashing through a glass table. Erdely then claimed that for the next three hours, Jackie was gang-raped on a carpet strewn with broken glass by seven men who also punched her and violated her with a beer bottle. Erdely further claimed that this gang rape was some kind of fraternity initiation ritual directed, orchestrated, and encouraged by “Drew,” with one assailant supposedly telling another, “Don’t you want to be a brother? We all had to do it, so you do, too.” According to Erdely, in addition to her coworker “Drew,” Jackie recognized another assailant as a member of her “tiny anthropology discussion group.”

48. Erdely then claimed that Jackie — whom she reported as being sober during the attack — passed out, and woke up alone on the floor at 3 a.m. Erdely wrote that Jackie emerged from the room to find the fraternity party still going on, and snuck out a side staircase barefoot, face beaten, and in a dress “spattered with blood.”

49. According to the article, Jackie then phoned three friends for help. They are identified in the article only by the pseudonyms “Randall,” “Andy,” and “Cindy.” According to Erdely, Randall initially said that they should take Jackie to the hospital. But her friend Cindy asked if that was a good idea, because “[h]er reputation will be *shot* for the next four years.”¹

¹ Emphasis in original.

Andy supposedly agreed, adding that they ought to think through whether to report a brutal and violent gang rape because it could affect his and Randall's ability to rush fraternities.

50. Erdely described this scene as taking place in front of the Phi Kappa Psi house, which "loomed behind them," while Jackie, "mute in her bloody dress," watched her supposed friends argue about whether reporting her gang rape would affect their social standing. According to Erdely, Cindy's view prevailed, because if the rape were reported, "we'll never be allowed into any frat party again." Erdely later claimed that Cindy, who she described as a "hookup queen," callously told Jackie that she should have enjoyed being brutally gang raped by "[a] bunch of hot Phi Psi guys." Andy supposedly called Jackie "a baby" for being upset about the rape. Erdely also quoted Randall as saying that publicizing the rape could result in a "shitshow," but wrote that he declined her interview request, "citing his loyalty to his own frat."

51. Erdely also claimed that Jackie faced violent retaliation for sharing her story with campus support groups. According to Erdely, in Spring 2014 Jackie was harassed outside bars on the Corner (a strip of bars and restaurants off campus) by men who recognized her from her "presentations." According to Erdely, Jackie was called a "cunt" and "feminazi bitch," and one of the men threw a bottle at her that shattered on the side of her face.

52. Erdely also claimed that since the attack, Jackie had regularly seen her attackers on campus, including "Drew," who acted nonchalantly as if the coordinated gang rape had not happened, and thanked her for "a great time." Erdely also wrote that two other girls had been gang raped at the Phi Psi house in incidents similar to Jackie's, but said that neither woman was willing to talk to *Rolling Stone* about the assaults.

53. Erdely also repeatedly noted that Jackie was not willing to take any formal or official action, whether with the University or the police, to bring her attackers to justice. She wrote that Jackie "didn't feel ready to file a complaint," that she "badly wants to muster the

courage to file criminal charges or even a civil case,” but that she feels “paralyzed” and has not done so. Erdely did not explain why Jackie, who in Erdely’s words had been “dying to share [her story]” for publication in a national magazine, would at the same time be unwilling to pursue a disciplinary process through the University or file a criminal complaint with the police.

Rolling Stone and Erdely Target Dean Eramo As the Villain In Their Story

54. Much of “A Rape on Campus” is dedicated to describing Jackie’s interactions with Dean Eramo and, according to Erdely, Dean Eramo’s alleged actions (or inactions) designed to discourage Jackie from reporting her gang rape and bringing her attackers to justice.

55. Erdely in fact started the article with the tagline, “Jackie was just starting her freshman year at the University of Virginia when she was brutally assaulted by seven men at a frat party. When she tried to hold them accountable, a whole new kind of abuse began.” She then wrote: “Lots of people have discouraged her from sharing her story, Jackie tells me with a pained look, including the trusted UVA Dean [Eramo] to whom Jackie reported her gang-rape allegations more than a year ago.”

56. According to Erdely, the gang rape occurred on September 28, 2012. But Jackie did not bring the alleged sexual assault to the attention of school officials until many months later, towards the end of the second semester, when Jackie was called in to meet with her academic dean after failing three classes. According to Erdely, upon being confronted with her poor academic performance, Jackie burst into tears, and her mother told the academic dean that Jackie had had a “bad experience” at a party. According to Erdely, the academic dean put Jackie in touch with Dean Eramo.

57. Erdely asserted that Jackie told Dean Eramo the same story of gang rape vividly described in the article, and then claimed, “[i]f Dean Eramo was surprised at Jackie’s story of gang rape, it didn’t show.”

58. Erdely then wrote: “When Jackie finished talking, Eramo comforted her, then calmly laid out her options. If Jackie wished, she could file a criminal complaint with police. Or, if Jackie preferred to keep the matter with in the university, she had two choices. She could file a complaint with the school’s Sexual Misconduct Board, to be decided in a ‘formal resolution’ with a jury of students and faculty, and a dean as a judge. Or Jackie could choose an ‘informal resolution,’ in which Jackie could simply face her attackers in Eramo’s presence and tell them how she felt; Eramo could then issue a directive to the men, such as suggesting counseling. Eramo presented each option to Jackie neutrally, giving each equal weight. She assured Jackie there was no pressure — whatever happened next was entirely her choice.”

59. After falsely characterizing Jackie’s assault and subsequent interaction with Eramo, Erdely goes on to state that “the sheer menu of choices, paired with the reassurance that any choice is the right one, often has the end result of coddling the victim into doing nothing.” Erdely then quotes a third party to hammer home the thesis regarding Dean Eramo: “‘This is an alarming trend that I’m seeing on campuses,’ says Laura Dunn of the advocacy group SurvJustice. ‘Schools are assigning people to victims who are pretending, or even thinking, they’re on the victim’s side, when they’re actually discouraging and silencing them....’”

60. Erdely goes on to reinforce Dunn’s statement — as applied to Dean Eramo — by continuing her false narrative regarding Jackie’s interaction with Dean Eramo: “For now, however, Jackie left her first meeting with Eramo feeling better for having unburdened herself, and with the dean’s assurance that nothing would be done without her say-so.” Erdely only passively acknowledged that Jackie opted not to report the alleged gang rape to police.

61. According to Erdely, when Jackie pressed Dean Eramo at a subsequent meeting for details on sexual assault statistics at UVA, Dean Eramo told her that they were not publicized

“because nobody wants to send their daughter to the rape school.” *Rolling Stone* and Erdely elected to emphasize and highlight this as a “pull quote” in the article:



62. Erdely then claimed that in May 2014, following the alleged bottle attack at the corner, Jackie emailed Dean Eramo to meet with her in order to discuss the alleged incident, as well as Jackie’s claim that she had discovered two other women who were also gang raped at the Phi Kappa Psi fraternity house. Jackie refused to identify these women and claimed that they wanted to remain anonymous.

63. Erdely wrote of this interaction: “[a] bruise still mottling her face, Jackie sat in Eramo’s office in May 2014 and told her about the two others. One, she says, is a 2013 graduate, who’d told Jackie that she’d been gang-raped as a freshman at the Phi Psi house. The other was a first-year whose worried friends had called Jackie after the girl had come home wearing no pants. Jackie said the girl told her she’d been assaulted by four men in a Phi Psi bathroom while a fifth watched. (Neither woman was willing to talk to RS.) As Jackie wrapped up her story, she was disappointed by Eramo’s nonreaction. She’d expected shock, disgust, horror.”

64. Erdely then claimed that Dean Eramo did nothing with this information or with Jackie's claim of having been attacked with a bottle in retaliation for speaking out about her assault. Erdely claimed that UVA as a whole did nothing until after it learned of *Rolling Stone's* probe into Jackie's story, at which time it placed Phi Kappa Psi under investigation.

65. Erdely again acknowledged — again only in passing — that Jackie told Dean Eramo that she did not want to file a complaint for her alleged gang rape. But Erdely twisted Jackie's decision not to report the alleged incident to support Erdely's own preconceived story line — that Dean Eramo engaged in a calculated strategy to coddle Jackie into not reporting her rape in order to protect UVA's reputation. Erdely wrote: "Of all her assailants, Drew was the one [Jackie] wanted to see held accountable — but with Drew about to graduate, he was going to get away with it. Because, as she miserably reminded Eramo in [Eramo's] office, she didn't feel ready to file a complaint. Eramo, as always, understood."

66. These claims and statements in the article concerning Dean Eramo are false.

67. Dean Eramo has never called UVA "the rape school"; and upon information and belief, Jackie never told Erdely that Dean Eramo made these statements.

68. Dean Eramo did not in any way "abuse" Jackie; rather she counseled her, supported her, and tried to assist Jackie in reporting her alleged assault to the police, despite Jackie's adamant and continuing refusals to do so.

69. Dean Eramo did not in any way discourage Jackie from sharing the story of her gang-rape allegations, and in fact actively encouraged Jackie to speak to others about her allegations. Dean Eramo put Jackie in touch with a campus support group for sexual assault victims so that Jackie could share her story with others who could help support her. She also arranged for and attended two meetings between Jackie and detectives so that Jackie could share

her story with the police. At no time did Dean Eramo discourage Jackie from sharing her story with anyone.

70. The claim that Dean Eramo intentionally presented Jackie with an array of options in order to confuse her into not reporting her alleged gang rape is false. Dean Eramo encouraged Jackie to report her alleged sexual assault to the police, repeatedly offered to assist her in doing so, and in fact did arrange for Jackie to meet with detectives. Dean Eramo told Jackie that in addition to reporting her allegations to the police, she could pursue the University's disciplinary process.

71. Dean Eramo did not have a "nonreaction" to Jackie's claims that she was assaulted with a bottle and that she had learned of two additional students who claimed to have been sexually assaulted at Phi Kappa Psi. Dean Eramo immediately arranged for Jackie to meet with the police regarding the bottle incident, her alleged gang rape, and the other supposed victims. Dean Eramo encouraged Jackie to do all she could to get the other supposed victims — whom Jackie insisted wanted to remain anonymous — to come forward so that UVA could take action against the fraternity if the allegations were well founded.

***Rolling Stone* and Erdely Engage A Prominent Illustrator To Create
A Negative Image of Dean Eramo To Encapsulate Their Article's False Thesis**

72. To underscore their false portrayal of Dean Eramo, Erdely and *Rolling Stone* also included in the article a doctored photograph of Dean Eramo. *Rolling Stone* ordered and paid for an innocuous photograph of Dean Eramo from the *Cavalier Daily*, UVA's independent student newspaper, depicting Dean Eramo standing in a UVA classroom speaking to students. Although *Rolling Stone* purchased the photograph for commercial use, it did not tell the *Cavalier Daily* that it intended to alter the picture in any way. The picture in its unedited format, as purchased from the student newspaper, appears below:

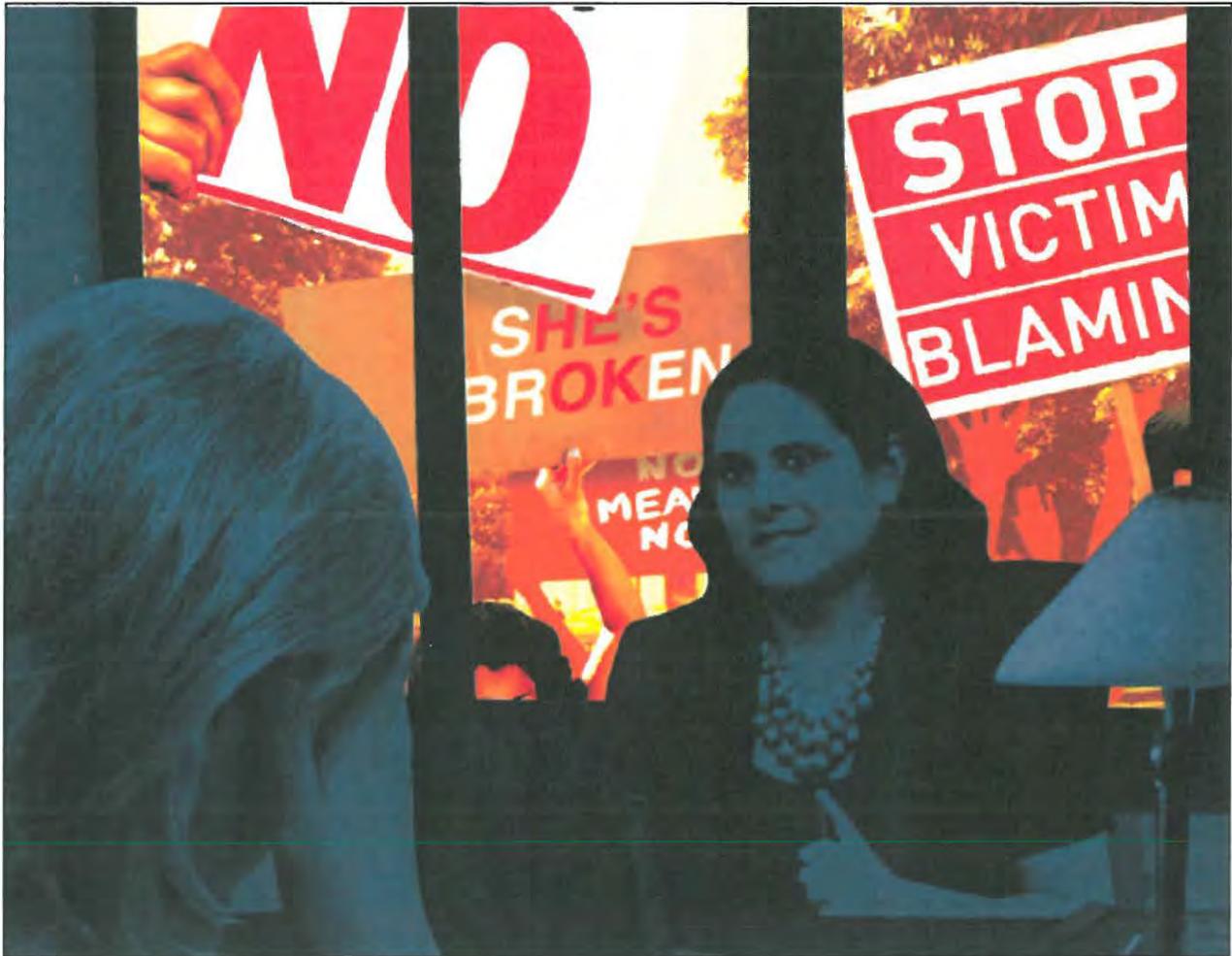


73. *Rolling Stone* employed a high-profile illustrator, John Ritter, to intentionally alter this photo for the article. Ritter Illustration’s website boasts that its client list includes national and international publications and publishers like *The Atlantic*, *The New Yorker*, *Time*, *GQ*, *Harpers*, *Newsweek*, *Mother Jones*, *Glamour*, *Wired*, *Money*, *Forbes*, the Smithsonian, *New York Times*, *Boston Globe*, *Washington Post*, *Chicago Tribune* and Random House.

74. *Rolling Stone* retained Ritter Illustrations with the specific intent to portray Dean Eramo in a highly negative manner — specifically by causing Ritter to doctor the image in a way to give the appearance of Dean Eramo sitting at her desk, sneering while a sexual assault victim sits crying in front of her. In the doctored image, photoshopped images of protestors appear outside of Dean Eramo’s office with signs that read “STOP VICTIM BLAMING,” and “SHE’S BROKEN (HE’S OK).” *Rolling Stone* caused Ritter to alter the image of Dean Eramo’s hand by lightening portions of the interior of her thumb, by darkening the pen she is holding, and by

placing a fake desk at the bottom of her hand to hide a portion of the pen, all in an effort to make it appear as though Dean Eramo was giving a “thumbs up” while the victim sits crying in front of her. *Rolling Stone* also caused Ritter to lighten the whites around Dean Eramo’s eyes to depict her expression as “wild-eyed” in the image. *Rolling Stone* also intentionally caused Ritter to edit out of the image Dean Eramo’s right hand, which is making a welcoming gesture in the original photo, to further emphasize their false narrative that Dean Eramo was unsupportive of Jackie.

75. *Rolling Stone’s* altered image of Dean Eramo as it appears in “A Rape on Campus” is below:



76. A simple comparison of the original photograph and *Rolling Stone's* manipulated version of the image demonstrates the lengths Erdely and *Rolling Stone* were willing to go to portray Dean Eramo as a villain:



**Rolling Stone And Erdely Promote Their False
And Defamatory Story To The National Media**

77. Following publication of the article, *Rolling Stone* sent Erdely on a press tour designed to further publicize the article and to capitalize on all the attention it was receiving. During a string of appearances on podcasts, radio shows, and television talk shows, as well as interviews with online and print media, Erdely doubled down on her false claims concerning Dean Eramo.

78. Erdely claimed on a November 26, 2014 broadcast of *The Brian Lehrer Show* that Dean Eramo “brushed off” Jackie, and that Dean Eramo did “nothing” in response to Jackie’s sexual assault claim.

79. Erdely claimed on a *Slate* podcast on November 27, 2014 that “[Jackie] had eventually kind of mustered up the courage to tell the administration that she had been brutally gang raped and that the University did nothing with this information and that they continued to do nothing even when she told them that she had become aware of two other women that were also gang raped at that fraternity.” Erdely repeated this claim and went further, stating that “even in a situation that was so extreme and so obviously within the realm of criminal,” she was shocked that Dean Eramo “would seek to suppress something like this.” She then claimed that not only did Dean Eramo “not report it to police,” but that “[Jackie] was discouraged from moving this [allegation] forward.”

80. Erdely continued her self-promotion on social media — capitalizing on the buzz surrounding “A Rape on Campus.” For example, on November 30, Erdely tweeted out a link to a November 28 *Washington Post* article titled “Sabrina Rubin Erdely, woman behind Rolling Stone’s explosive U-Va. alleged rape story.”



***Rolling Stone* And Erdely's House Of Cards Crumbles**

81. The *Rolling Stone* article became a nationwide sensation when it was published. It was viewed over 2.7 million times online, and Erdely and *Rolling Stone's* claims concerning Jackie, UVA, and Dean Eramo were repeated and republished by innumerable media outlets in print, online, and over the airwaves. The article was also widely shared on social media platforms like Facebook and Twitter.

82. However, within days of the publication of the article, responsible journalists began questioning Erdely's story. Richard Bradley, the former editor of *George* magazine — who had worked with infamous fabricator Stephen Glass — wrote a blog post on November 24, 2014 titled "Is the Rolling Stone Story True?" After noting the "enormous furor" caused by the article and the likely consequences, he wrote that he was "not sure I believe it," and that "[s]omething about this story doesn't feel right."

83. Bradley argued that the vivid description of Jackie's gang rape was suspect because it "play[ed] into existing biases," such as "biases against fraternities, against men, against the South; biases about the naiveté of young women, especially Southern women; pre-existing suspicions about the prevalence — indeed, the existence — of rape culture; extant suspicions about the hostility of university bureaucracies to sexual assault complaints that can produce unflattering publicity." Bradley also noted that the article failed to actually identify any of the main players, such as Jackie, "Drew," the other attackers, and the three friends Jackie was with following the alleged assault.

84. Ultimately, while Bradley acknowledged it was possible the story could have happened the way it is depicted in the article, he argued that the claim of a forcible gang rape as part of a frat initiation ritual, and of a beaten and bloodied Jackie being discouraged from

reporting the rape, “requires you to indulge your pre-existing biases.” “This story,” he wrote, “contains a lot of apocryphal tropes.”

85. Erdely’s own media appearances further raised speculation about the article’s veracity. While appearing on the *Slate* podcast on November 27, 2014 to hype her article, Erdely was evasive and nonresponsive when the hosts asked direct questions about the sourcing and reporting of the article. Asked directly three times whether she ever reached out to or interviewed the alleged attackers, Erdely intentionally avoided answering the question. She similarly avoided answering whether she knew the identity of “Drew,” the supposed ringleader of the assault, and instead gave a totally nonresponsive answer about how Phi Kappa Psi was a symbol of “elitist fraternity culture.”

86. During the same *Slate* interview, Erdely also was asked directly whether she interviewed the three friends Jackie met with after the incident, and whether they verified that Jackie had the injuries Erdely described her as having from being smashed through a glass table and forcibly raped for three hours. Erdely again gave a nonresponsive answer that did not answer the question at all.

87. On December 2, 2014 *Slate* published an article by Allison Benedikt and Hanna Rosin (one of the hosts of the podcast Erdely appeared on). After noting Erdely’s evasive answers on the podcast about her reporting tactics, *Slate* had reached out directly to *Rolling Stone* editor Sean Woods, who confirmed that Erdely did not interview any of the men that Jackie alleged participated in the gang rape — including the supposed ringleader Drew. However, Woods claimed that *Rolling Stone* attempted to do so, saying, “[w]e could not reach them,” insisting that the men “exist and are real,” and declaring, “[w]e knew who they were.” The *Slate* article questioned the fact that quotes of numerous different people in the story seemed to come only from Jackie rather than the quoted people themselves, and that Erdely’s failure to

interview the men she was accusing of orchestrating a gang rape was a basic and fundamental journalistic failure.

88. Also on December 2, the *Washington Post* published a blog post by Erik Wemple, who noted that Erdely's responses on the podcast "look bad for Rolling Stone." Wemple called the failure to interview the supposed perpetrators an "inexcusable" lapse, and noted the "flimsiness" of the story in other respects, such as Erdely's failure to identify key individuals and to make clear to whom she did and did not actually speak for the story. Wemple noted that Erdely refused his interview request, but that *Rolling Stone* sent the *Washington Post* a statement asserting that through "extensive reporting and fact-checking, [*Rolling Stone*] found Jackie to be entirely credible," and that her sexual assault complaint was met with "indifference" when she tried to report it to UVA.

89. Once these basic questions were asked, Erdely's story quickly fell apart under scrutiny. The *Washington Post* rapidly tracked down and interviewed people Erdely purposefully decided not to interview, including the three friends that Erdely claimed met a bloody and beaten Jackie in front of the Phi Psi house and urged her not to report being raped. According to the friends, they actually met Jackie in front of a dorm nowhere near the Phi Psi house, and Jackie did not have any visible injuries at all — nor was there any blood on her clothing. At that time, according to these individuals, Jackie claimed that she had been forced to perform oral sex by five men in an unspecified fraternity house. The friends said that contrary to Erdely's claims, there was no discussion about the supposed social price of reporting the incident; instead, they urged Jackie to report the incident and even tried to call 9-1-1, but were stopped by Jackie, who insisted she did not want to call the police.

90. Also on December 5, Phi Kappa Psi released a statement that rebutted a number of the key claims of Erdely's story. Phi Psi said that none of their members worked at the

University's Aquatic Fitness Center in 2012, which is where Jackie claimed to have met "Drew." The fraternity also said that records showed it did not host any kind of party or date function at the house on the weekend of September 28, 2012. The fraternity flatly denied Erdely's sensationalist claim that Jackie was gang raped as some sort of fraternity initiation ritual, and noted that the story did not make sense because at UVA students pledge fraternities in the spring, not the fall.

91. Despite its repeated claims in the preceding days that it stood by the story and found Jackie credible, once the fraternity came forward with evidence showing that Erdely's story could not be accurate, *Rolling Stone* issued a statement on December 5 noting "discrepancies" in Jackie's account, and saying that "we have come to the conclusion that our trust in [Jackie] was misplaced." *Rolling Stone* then revised the statement after a public outcry over the belief that *Rolling Stone* was attempting to blame a young college student for its own decision not to conduct proper diligence for a 9,000-word article sourced entirely on one (pseudonymous) individual.

92. Additional details would soon come to public light that not only cast doubt on Erdely's story, but also revealed just how lacking in credibility Jackie was as a source. Jackie's friends from UVA said they doubted her account and that upon being pressed after the article was published, Jackie gave the name of an individual as "Drew" which differed from the name she had previously given other friends after the alleged assault. Reached by the *Washington Post*, that individual said that he was not a member of Phi Psi and had never even met Jackie in person.

93. The saga took an even more bizarre turn when the three friends of Jackie's who met her the night of the alleged assault (and whom Erdely elected not to interview) came forward with information suggesting that Jackie's assault claim may have been a desperate and

misguided attempt to earn the affections of her friend Ryan, called “Randall” in Erdely’s article. Shortly after Ryan rebuffed Jackie’s interest in a romantic relationship early on in the school year, Jackie began to tell Ryan and others in their circle of friends that she was being romantically pursued by a handsome junior in her chemistry class named “Haven Monahan.” Jackie gave Ryan and another friend multiple supposed cell phone numbers for Haven Monahan and encouraged them to text with him; when they did, Monahan would write back gushing about how great Jackie was.

94. The phone numbers Jackie provided her friends for “Haven Monahan” turned out to be associated with websites that allow users to text anonymously with other cell phone users as if they were coming from an actual cell phone. A picture of “Haven Monahan” Jackie showed to her friends turned out to be from a social media site of one of her high school classmates who did not attend UVA and was not good friends with Jackie. An individual claiming to be Haven Monahan at one point forwarded to Ryan an email Jackie had supposedly written to Haven extolling Ryan’s virtues; it was later determined most of the passages about Jackie’s feelings for Ryan were lifted wholesale from websites and television shows like “Scrubs” and “Dawson’s Creek.”

95. Jackie’s friends’ suspicions further deepened when they searched the UVA student directory and social media websites for any trace of Haven Monahan, but found no student by that name at UVA.

96. In fact, there was no student at UVA named Haven Monahan, and nobody by that name lived in Charlottesville in 2012.

97. If Erdely and *Rolling Stone* had not intentionally decided to avoid contacting “Randall,” “Andy,” and “Cindy,” they would have told Erdely that the details of the sexual assault Jackie provided to *Rolling Stone* differed significantly from what she told them that night,

that the alleged assailant was originally claimed to be a classmate rather than a coworker, and that Jackie's odd behavior led them to have doubts about whether the individual she identified as her date and attacker existed at all. They would have also told Erdely that the quotes attributed to them in the article are false. All three have confirmed that they would have willingly spoken to Erdely had she bothered to contact them.

***Rolling Stone* Refuses Dean Eramo's Request For A Retraction And An Apology**

98. In December 2015, after a swirl of media reports had already cast serious doubts on the veracity of "A Rape on Campus," Dean Eramo contacted *Rolling Stone* through her attorneys to initiate a dialogue regarding the article's treatment of her and to request that *Rolling Stone* take remedial measures to repair the harm done to Dean Eramo's reputation by the publication of the article. Counsel for Dean Eramo did not threaten litigation, nor did they demand any monetary payment.

99. Despite the mounting avalanche of evidence that the claims made in the article regarding Jackie's alleged assault — and Dean Eramo's alleged indifference to the alleged assault — were entirely false, *Rolling Stone* responded by letter through its attorneys, insisting that the article was "well sourced and fact-checked." Rather than offer to apologize or retract the article, *Rolling Stone* demanded that Dean Eramo identify her "specific concerns" about the article and "the basis for those concerns."

100. Counsel for Dean Eramo responded by letter, pointing out that there was already "ample information" in the public sphere demonstrating that Jackie was not a reliable source for truthful information, and that *Rolling Stone* had relied almost entirely on Jackie's account in disparaging Dean Eramo. The letter specifically noted numerous claims in the article that were categorically false, including, *inter alia*, *Rolling Stone*'s claims that Dean Eramo "abuse[d]" Jackie, that she "discouraged Jackie from telling her story," that she was "less concerned with

protecting students than [she] is with protecting [the administration's] own reputation from scandal," that she called UVA "the rape school," and that she intentionally coddled Jackie into not reporting her rape. Noting that the article had already been thoroughly discredited, counsel for Dean Eramo decried *Rolling Stone's* "backwards," post-hoc approach of demanding that Dean Eramo do *Rolling Stone's* reporting and fact checking for it. The letter requested that *Rolling Stone* set aside legal posturing and act as a responsible journalistic enterprise should, by immediately retracting the article and apologizing to Dean Eramo.

101. *Rolling Stone* refused to retract the article and insisted that it stood by its reporting with respect to Dean Eramo, despite the fact that the entire world now knew that Jackie was not a credible or reliable source. *Rolling Stone* and Erdely did not apologize to Dean Eramo.

102. *Rolling Stone* and Erdely did not apologize to Dean Eramo after the Charlottesville Police Department officially declared that their claims about Dean Eramo were false in March 2015.

103. *Rolling Stone* and Erdely did not apologize to Dean Eramo after the Columbia University Graduate School of Journalism report further detailed Dean Eramo's efforts to assist Jackie and called the entire article "a journalistic failure."

104. Only after Dean Eramo wrote an open letter shaming *Rolling Stone* in April 2015 did *Rolling Stone* finally issue to media outlets a short, passive "apology" to Dean Eramo (among others) that took no responsibility whatsoever for the outrageous and malicious portrayal of Dean Eramo in the article.

105. *Rolling Stone* claimed by letter dated April 28, 2015 that in response to Dean Eramo's open letter, *Rolling Stone* would be including an edited copy of the letter in its May issue. *Rolling Stone* then failed to do so without offering any explanation.

106. Erdely still has not apologized to Dean Eramo.

**The Charlottesville Police Debunk Erdely And
Rolling Stone's Story And Claims About Dean Eramo**

107. On March 23, 2015, the Charlottesville Police Department held a press conference and issued a press release titled, "Charlottesville Police Department's Investigation Into an Alleged Sexual Assault as Depicted in Rolling Stone Magazine Article Dated November 19, 2014." The press release chronicled the Department's investigation "in an effort to confirm or dispel the incident as graphically described in the article."

108. The Charlottesville Police Department stated Jackie first met with Dean Eramo on May 20, 2013, after Jackie was referred to Dean Eramo due to poor grades. At that time Jackie told Dean Eramo that she was the victim of a sexual act at a fraternity party, but Jackie was unable or unwilling to even identify the fraternity, let alone the names of any of the alleged attackers. In addition, the sexual act Jackie related to Dean Eramo was inconsistent with Erdely's depiction of a violent gang rape and beating in the *Rolling Stone* article.

109. Dean Eramo provided Jackie with several options, including encouraging her to lodge a criminal complaint with the police, but Jackie did not want to pursue those options at that time.

110. Thereafter, Dean Eramo continued to reach out to Jackie in the following weeks, assuring her that she would assist and support her if she decided she was ready to move forward with holding her perpetrators accountable. Dean Eramo also offered Jackie counseling services and put her in contact with a campus support group called One Less.

111. On April 21, 2014, Jackie again met with Dean Eramo and claimed to have been physically assaulted on April 6, 2014 on the University Corner near Elliewood Avenue. Jackie claimed that she was harassed by a group of four men and that when she turned after one yelled her name, she was struck in the face by a thrown glass bottle. Jackie claimed that her roommate at the time, a nursing student, had to help remove pieces of glass from Jackie's face. During the

same meeting, Jackie disclosed to Dean Eramo for the first time that her alleged sexual assault occurred at the Phi Kappa Psi fraternity house. Dean Eramo again encouraged Jackie to report the alleged assault to the police.

112. Indeed, the next day, Dean Eramo arranged a meeting with herself, Jackie, a University of Virginia police officer, and a Charlottesville police officer. During this meeting, Jackie described to police the alleged bottle-throwing incident and the alleged sexual assault in September 2012. Jackie refused to provide any specific details regarding the alleged sexual assault, and said that she confidentially reported it only to the Dean's office, and not the police, because she feared retaliation from the fraternity if she pursued a formal investigation.

113. On May 1, 2014, Charlottesville Police Detective Jake Via met with Jackie in the presence of Dean Eramo again to discuss the alleged physical assault and alleged sexual assault. Jackie maintained that she did not want to proceed with any investigation of the physical assault and refused to provide any disclosure as to the facts of the alleged sexual assault. A broader investigation was not initiated at that time because Jackie did not wish to pursue a complaint in the criminal justice system. The detective advised Jackie that if she changed her mind, her allegations would be fully investigated.

114. On November 19, 2014, following publication of the *Rolling Stone* article, UVA President Theresa Sullivan requested that the Charlottesville Police Department launch a criminal investigation into the allegations in the article. Detective Via contacted Jackie again, believing her to be the individual depicted in the *Rolling Stone* article.

115. Jackie agreed to meet with Detective Via following the Thanksgiving break. On December 2, 2014, Jackie went to the Charlottesville Police Department accompanied by her legal counsel. Through her legal counsel, Jackie declined to provide a statement or answer any of the detectives' questions.

116. Since that time, and despite numerous attempts to gain her cooperation, Jackie has refused to speak with or provide any information to investigators. Jackie has also refused to provide consent for investigators to access records in UVA's possession that are restricted from dissemination by federal law.

117. UVA provided police with access to relevant members of the Office of the Dean of Students with knowledge of Jackie's previous contacts with that office, as well as certain redacted copies of documents reflecting Dean Eramo's meetings with Jackie; specifically, records reflecting meetings with Jackie regarding the alleged sexual assault, physical assault, and Jackie's claim to have heard of two other females who were sexually assaulted at the Phi Psi house. The Charlottesville Police Department reported that the documents they received showed that the facts Jackie reported to UVA were not similar to the events depicted in the *Rolling Stone* article.

118. Investigators spoke with the two men (called Randall and Andy in the article) that Jackie met with following the alleged assault. Police said that that the story Jackie told them was consistent with what she later told Dean Eramo — and inconsistent with what Erdely and *Rolling Stone* published in "A Rape on Campus."

119. Investigators received documents from, and interviewed members of, the Phi Kappa Psi fraternity. None of the members knew Jackie or had any knowledge of a sexual assault occurring at the fraternity in September 2012.

120. The investigation revealed no evidence of a party having taken place at the fraternity house on September 28, 2012. Instead, the investigation revealed evidence that a party did not happen at the fraternity that night. Investigators acquired a photograph of the inside of the empty fraternity house from 11:33 p.m. on September 28, 2012, which gave no indication of a party or large gathering. Calendars or scheduled events from the Intra-Fraternity Counsel

showed no publicized event at Phi Kappa Psi that weekend, and investigators discovered that the fraternity's sister sorority, Delta Gamma, held an event at their house that evening. Several of the 14 fraternity brothers that lived at Phi Psi at the time attended this event, and police determined it was unlikely Phi Psi would have held a competing party on the same night.

121. Investigators concluded that they could not find “any basis of fact to conclude that there was any event at the Phi Kappa Psi Fraternity house on the evening of September 28, 2012.”

122. Investigators also interviewed two of Jackie's friends, who said that she told them she was going on a date that night with a person named Haven Monahan, and that they had exchanged text messages with a person claiming to be Haven Monahan. Investigators searched through fraternity rosters, employee records of the University Aquatic and Fitness center, student directories, social media sites, and other sources, and did not find anyone with the name Haven Monahan.

123. Police found no evidence whatsoever to support Jackie's claim that she was aware of two other girls that had been assaulted at the Phi Psi house in 2010 and 2014.

124. Police also found no evidence supporting Jackie's claim that she was attacked with a bottle in retaliation for speaking out about her alleged rape on campus. Jackie's roommate denied Jackie's claim that she helped Jackie to pick shards of glass out of her face, and detectives determined the abrasion on Jackie's face was not consistent with being hit with a bottle. Other details Jackie gave about the alleged incident turned out to be demonstrably false, such as her claim that she called her mother immediately after the incident, which was disproven by a check of her phone records.

125. The Charlottesville Police Department determined that there was “no substantive basis of fact to conclude that an incident occurred that is consistent with the facts described in the November 19, 2014, Rolling Stone Magazine article.”

**Erdely and *Rolling Stone* Publish “A Rape On Campus” With Actual Malice
By Making A Calculated Decision Not To Pressure-Test Jackie’s Claims
In Order To Publish A Biased, Preconceived Narrative Despite
Serious Doubts About The Credibility Of Their Sole Source**

126. Erdely and *Rolling Stone’s* epic failure of journalism was the result of biased, agenda-driven reporting, repeated failures to heed a multitude of red flags indicating that Jackie was not a credible source, willful inaction that was the product of deliberate decisions not to acquire knowledge of facts that would contradict Jackie’s claims, a purposeful avoidance of the truth, and an utter failure to investigate the accuracy of Jackie’s claims despite a high degree of awareness on the part of *Rolling Stone* and Erdely that they were probably false. Erdely and *Rolling Stone’s* actions, as detailed below, amount to actual malice.

127. Erdely, a Contributing Editor for *Rolling Stone*, was in regular contact with her editors and colleagues at the magazine and kept them apprised of her “reporting” of “A Rape on Campus.” *Rolling Stone* was fully aware of Erdely’s many egregious errors, purposeful avoidance of facts, subjective doubts, and failures to investigate that led to the ultimate debacle that the article became.

128. In addition, by Erdely and *Rolling Stone’s* own admission, both Erdely and *Rolling Stone* repeated, doubled down on, and defended their false claims concerning Dean Eramo even *after* admitting to having substantial doubts about the accuracy of Jackie’s claims and the accuracy of the false statements about Dean Eramo in the article.

129. Erdely admitted to the Columbia Journalism School that from the outset, before even speaking with Jackie, she was “searching for a single, emblematic college rape case that would show ‘what its like to be on campus now ... where not only is rape so prevalent but also

that there's this pervasive culture of sexual harassment/rape culture.'" Erdely shopped around a number of college campuses looking for the right rape story to lead her article, and settled on UVA because it fit the narrative of being an elite, Southern institution whose students are considered to be overwhelmingly white and wealthy.

130. This narrative fits Erdely's pattern and practice of using narrative journalism in which a shocking rape case is used as the vehicle to show that a given institution is indifferent to, or actively seeks to conceal, sexual assaults, just as she did in her 2011 and 2013 *Rolling Stone* articles "The Catholic Church's Sex-Crime Files" and "The Rape of Petty Officer Blumer." Thus, even before she spoke to Jackie or settled on UVA as her target, Erdely was intent on writing a narrative that used a single, shocking rape case to depict a pervasive "rape culture" on a college campus and an administration that supposedly sought to cover up sexual assaults. Again, before even speaking to Jackie or focusing specifically on UVA, Erdely told one source that she wanted to apply the same formula as the Navy article to a college campus, writing: "The approach I took in that story is similar to the one I have in mind for a sexual assault story: To demonstrate the larger institutional and cultural problems through the smaller prism of a central narrative." Thus, regardless of the facts, Erdely had already planned to write an article stating that whatever school she settled on was indifferent to the problem of rape on campus.

131. Erdely learned of Jackie after speaking with Emily Renda, who was involved in a campus group dedicated to education and awareness about sexual assaults. By the time of the publication of the article, Renda herself was an employee of UVA working on sexual assault issues. Erdely did not disclose this fact in her article, and instead purposefully omitted it to further her narrative that UVA's administration was indifferent to sexual assault.

132. According to Erdely, Renda told Erdely of a student at UVA who claimed to have been gang raped as part of a fraternity initiation ritual. Renda explicitly warned Erdely,

“obviously, maybe her memory of it isn’t perfect.” But Erdely, who had not even spoken to Jackie, inexplicably told Renda that the story was “totally plausible.”

133. But when Erdely did speak to Jackie, Jackie related to her an account of her sexual assault that differed materially from the account that Erdely knew Jackie had given to Renda. Erdely intentionally decided to disregard this obvious red flag.

134. Erdely’s bias and refusal to stray from her preconceived narrative is supported by some of the sexual assault survivors she did interview for her story. Alex Pinkleton, a UVA student who is referenced and quoted in the article, said, “I did encounter skepticism with Sabrina [Erdely] because it seemed like she was unwilling to listen to anyone besides Jackie.” Pinkleton also stated, “[Erdely] did have an agenda and part of that agenda was showing how monstrous fraternities are and blaming the administration for a lot of these sexual assaults.”

135. Pinkleton said that Erdely kept asking her questions designed to get Pinkleton to embellish her own sexual assault, like repeatedly trying to get her to say that her perpetrator was feeding her drinks to get her drunk. Pinkleton felt that a run-of-the-mill date rape was not good enough for Erdely, saying “I felt that she wasn’t satisfied with my perpetrator as someone who wasn’t clearly monstrous.... I didn’t like that it seemed like she was looking for a story that had to be at a fraternity.”

136. A Yale student contacted by Erdely said that she “put [Erdely] in touch with a couple of students who had ... normal rape stories, and none of them were good enough for her.”

137. Another UVA student interviewed by Erdely said she and several other students “felt really uncomfortable” after being interviewed by Erdely, because they concluded that Erdely was not objective and had an agenda.

138. Erdely admitted to the Columbia Journalism School that upon speaking to Jackie for the first time, she was “incredulous” about her story, particularly the fact that Jackie claimed

to have been tackled through a glass coffee table and violently assaulted for three hours on a bed of shattered glass without suffering any lasting physical injuries.

139. But once Erdely found a source that would allow Erdely to print an incredibly vivid, extreme, and graphic story of gang rape that Erdely knew would draw attention to her article, Erdely was unwilling to let go of that story. Erdely thus willfully ignored countless red flags demonstrating that Jackie's account of the gang rape and her subsequent actions with Dean Eramo were not truthful.

140. Jackie would go silent for days at a time and refuse to respond to Erdely's texts, emails, or phone calls.

141. Jackie demurred when asked what had happened to the dress she wore the night of the rape, which according to Erdely was covered with bloodstains, and would have held physical evidence of the supposed assault and Jackie's supposed injuries. After repeatedly delaying and deflecting the question, Jackie suddenly claimed that her mother had thrown it away.

142. Jackie claimed that her mother would be willing to speak with Erdely, but calls and voice messages Erdely left for Jackie's mother went unreturned.

143. Jackie claimed that the individual identified as "Randall" would be willing to speak with Erdely, but when Erdely briefly tried to follow up on this request, Jackie simply stopped responding to Erdely's messages.

144. Jackie refused to provide Erdely or *Rolling Stone* with the real name of "Drew," the supposed ringleader of the gang rape who Jackie supposedly worked with at the University Aquatic and Fitness center. Jackie would refer to him only by a first name. This bothered Erdely, who knew this was a red flag and that Jackie's story could not be verified without this information.

145. On October 20, less than a month before she published the article, Erdely asked Jackie again for “Drew’s” name, saying, “it’s something I need to do,” and “I have to do my due diligence.” Jackie refused to provide the name and stopped responding to Erdely’s communications for two weeks.

146. Because Jackie had told Erdely the alleged ringleader’s supposed first name, Erdely decided to ask some of Jackie’s supportive friends for his full name. They were unable to provide it. Erdely also searched online through directories and social media, but was unable to find any information matching the name Jackie had given her to an actual UVA student or graduate, let alone to a member of Phi Kappa Psi. Nor was this a needle-in-the-haystack proposition: at the time of Jackie’s alleged gang rape in September 2012, only 14 brothers resided at the Phi Kappa Psi fraternity house, and at most a handful of males worked as lifeguards at the University pool. Yet Erdely could not tie any of them to the description Jackie had provided Erdely of her alleged assailant.

147. By this time, Erdely and *Rolling Stone* had substantial doubts as to the truth of the story they intended to publish. Erdely’s editor, Sean Woods, claimed that he pressed Erdely about verifying Drew’s existence, telling her to directly contact the University pool and the fraternity, and to look through student directories. He claimed he instructed her to go around Jackie because he knew “we need to verify [Drew’s identity].” Woods claimed he had such a discussion with Erdely at least three times.

148. But with the deadline for the story’s completion only two weeks away, and notwithstanding their subjective doubts about the accuracy of Jackie’s story, Erdely and *Rolling Stone* decided that they would go forward with the story regardless, and without doing any additional investigation or reporting to verify the accuracy of Jackie’s claims regarding her gang rape or supposed treatment by UVA following her gang rape. Erdely was worried that without

the graphic gang rape leading the narrative, her story would not get the attention she was hoping for. Accordingly, despite knowing subjectively that additional investigation was required in order to verify the article's accuracy, *Rolling Stone* and Erdely made the calculated decision to call Jackie and inform her that they would not make further attempts to identify the alleged perpetrator, and would simply identify him by a pseudonym in the story.

149. With assurances that *Rolling Stone* would make no effort to test the accuracy of her story, Jackie called back quickly and was suddenly happy to cooperate again — yet another obvious red flag.

Erdely and *Rolling Stone* Act With Actual Malice By Purposefully Avoiding Obtaining A FERPA Waiver To Access University Records That Would Have Contradicted *Rolling Stone's* And Erdely's Preconceived Storyline

150. Many of Jackie's claims could have been factually disproven if Erdely and *Rolling Stone* had required (or even requested) that Jackie waive the restrictions of the Family Educational Rights and Privacy Act ("FERPA"), which would have given *Rolling Stone* access to records of Jackie's interactions with UVA, and with Dean Eramo specifically. Erdely and *Rolling Stone* knew that these records could substantiate or disprove Jackie's claims, and knew that they could obtain them by simply asking Jackie for a FERPA waiver. Erdely and *Rolling Stone* also knew that UVA and Dean Eramo could not effectively comment on the truth or falsity of Jackie's claims without such a waiver.

151. Erdely and *Rolling Stone* made a calculated decision not to ask Jackie for a FERPA waiver to purposefully avoid the facts they would learn from receiving the records. Because they subjectively doubted the veracity of Jackie's claims, Erdely and *Rolling Stone* did not want to come into possession of records that would objectively cast doubt on Jackie's credibility.

152. Moreover, because they knew that UVA was hampered in what it could say about Jackie without a FERPA waiver, Erdely and *Rolling Stone* also knew that by not requesting a waiver from Jackie, they could portray UVA and Dean Eramo as obstructing their reporting and refusing to answer questions about Jackie's case. The article in fact did just that, claiming that "UVA declined to make [Dean] Eramo available for comment," and that UVA President Sullivan refused to provide any details about Jackie's allegations or UVA's actions in response to those allegations. Erdely and *Rolling Stone* cleverly portrayed these responses as stonewalling in order to further the narrative of institutional indifference and inaction, when in fact Erdely and *Rolling Stone* knew that they had purposefully muzzled UVA and Dean Eramo by choosing not to obtain a FERPA waiver.

153. *Rolling Stone's* and Erdely's intentional decision not to require a FERPA waiver from Jackie amounts to actual malice.

Erdely and *Rolling Stone* Act With Actual Malice By Making A Calculated Decision To Hide From Public View That They Were Relying Entirely On A Single Source Who They Subjectively Doubted

154. Knowing that Erdely's reporting was inadequate, that she had not verified any significant factual aspects of Jackie's story, and that the story would not be believed if these fundamental gaps in reporting were acknowledged, Erdely and *Rolling Stone* made calculated decisions to gloss over these failures in a way that they hoped would avoid critical scrutiny.

155. For example, *Rolling Stone* used pseudonyms for key players in the story (in addition to Jackie), including "Drew," Jackie's coworker and the supposed ringleader of the assault, and also "Randall," "Andy," and "Cindy," the three friends who supposedly met with Jackie immediately after her supposed gang rape. There was no journalistic justification for using pseudonyms rather than real names for these individuals. Instead, Erdely and *Rolling Stone* knew that if readers or other journalists knew they had not even spoken to these people,

nobody would trust their account of Jackie's rape and Dean Eramo's supposed indifference to it. *Rolling Stone* thus used pseudonyms for these individuals hoping that they would prevent anyone from learning their true identities and from trying to verify a story about which Erdely and *Rolling Stone* had subjective doubts.

156. This calculated effort is further evidenced by the fact that at no time in the article did *Rolling Stone* or Erdely acknowledge that they had no idea who "Drew" was, or that they had been unable to verify that he even existed. The article is in fact constructed and written to give readers the false impression that Erdely and *Rolling Stone* not only knew who Drew was, but also that they were withholding his identity from readers because of Jackie's supposed fear of him.

157. The article also falsely claims that "Randall," one of the friends that met Jackie on the night of September 28, declined to be interviewed, "citing his loyalty to his own frat." In fact, Erdely never spoke with "Randall" and never attempted to speak with "Randall," "Cindy," or "Andy." This false statement was designed to lend credibility to the claims in the article both by falsely suggesting that Erdely did attempt to interview Randall (and knew who he was), and by claiming that he refused to speak with her out of loyalty to his frat, which fit Erdely's preconceived narrative that Jackie's rape was suppressed due to a "pervasive rape culture" that values institutional loyalty over aid to rape victims.

158. In fact, Erdely and *Rolling Stone* never asked for these three individuals' last names and did not know their true identities.

159. Erdely has acknowledged that she knew she should have contacted the three friends, and that she was "surprised" that none of her superiors at *Rolling Stone* required her to do so. Because she was worried that interviewing any of these individuals would yield facts that would discredit Jackie's claims, Erdely was happy to avoid interviewing them and pleased that

Rolling Stone did not ask her to. She later conceded that she “wasn’t going to press that issue.” She instead claimed to her editors that there was no way to reach these individuals, which of course was not true, as *Rolling Stone* knew.

160. Shortly before publication, the employee nominally assigned by *Rolling Stone* to fact check the article raised concerns about the fact that “Randall” had not been contacted for an interview, and that despite this fact the article was misleadingly written to make it appear that he had. *Rolling Stone* and Erdely ignored the fact checker’s concerns. The *Washington Post* would later call this action “one of the story’s many unfathomable deceits.”

161. After *Rolling Stone* published the article, the individual identified as “Randall” freely gave multiple media interviews, and said that he would have spoken to Erdely if she had tried to contact him. He would have told Erdely that her account of the meeting with the three friends, its location, the quotations of the participants, the description of Jackie’s assault, and the description of her supposed injuries was inconsistent with what he observed and with what Jackie told him that night.

162. “Randall,” “Andy,” and “Cindy” all freely spoke with the Columbia Journalism School, and in interviews said that the sexual incident Jackie described to them differed significantly from the gang rape depicted in the article. All said that if Erdely had contacted them, they would have told her this.

163. They also would have told Erdely that Jackie had told her friends that the alleged ringleader was not a fellow lifeguard at the Aquatic and Fitness Center, but a junior in her chemistry class named “Haven Monahan.” Jackie had provided Erdely with a different first name (and no last name) for the alleged ringleader.

164. Erdely later acknowledged that Jackie never actually requested that she refrain from contacting “Randall,” “Cindy,” or “Andy.” Rather, Erdely decided that she would forego

the basic journalistic step of contacting them to verify or dispel Jackie's story out of fear that Jackie would withdraw her tentative cooperation and Erdely would lose her sensationalized and fictionalized story.

165. Erdely later claimed that her editors at *Rolling Stone* agreed to simply drop the issue of speaking with these friends, while *Rolling Stone* editor Sean Woods claimed that Erdely told him she had exhausted all possible avenues for finding them — a facially implausible claim in an age of social media and on a college campus where all students are listed in a directory. In truth, Erdely did not want to risk her too-good-to-be-true story by speaking to the friends, who she knew would almost certainly dispute Jackie's characterization of them as callously telling her not to report her gang rape to protect their social standing and ability to rush fraternities.

Erdely and *Rolling Stone* Acted With Actual Malice When They Rejected Jackie's Request To Withdraw From The Story Because Jackie Was Uncomfortable With How The Article Would Portray Dean Eramo

166. Jackie attempted to withdraw from the story and directly asked Erdely not to include her claimed gang rape and interactions with Dean Eramo in the article. Jackie told *Rolling Stone* and Erdely that she was not comfortable with the portrayal of her alleged sexual assault or of her interactions with Dean Eramo. Jackie told *Rolling Stone* that the way the magazine intended to portray Dean Eramo was inaccurate.

167. This was an obvious red flag that Jackie's story was not credible and that the claims about Dean Eramo that Erdely and *Rolling Stone* planned to publish were likely false. Erdely refused Jackie's pleas and said that the article would go forward regardless. Jackie later stated that she felt manipulated by Erdely and her efforts to fit Jackie into her preconceived narrative, saying she "felt completely out of control over [her] own story."

**Erdely and *Rolling Stone* Acted With Actual Malice By Making A Calculated
Decision Not To Seek Meaningful Comment From Phi Kappa Psi**

168. Erdely engaged in other actions that demonstrate she was actively avoiding any sources or information that would contradict the claims from Jackie that she wanted to publish. While she made no effort to identify or speak to any of the alleged eight participants in the gang rape, she did send a cryptic email to the local chapter president of Phi Kappa Psi, which simply said: “I’ve become aware of allegations of gang rape that have been made against the UVA chapter of Phi Kappa Psi. Can you comment on those allegations?”

169. Erdely knew that this request for comment was absurdly vague and was intentionally designed in a way that would allow her to claim she asked Phi Kappa Psi for its side of the story, while doing so in a way that would not allow Phi Kappa Psi to contest the truth of the allegations in any meaningful way. She knowingly did not provide such basic information as the date of the supposed gang rape, the fact that it occurred during a date function party, the number of men involved, any information about the supposed victim, the fact that the ringleader was supposed to have been a Phi Psi member and lifeguard at the Aquatic Fitness Center, the fact that pledges were supposedly present and encouraged to participate as some sort of initiation ritual, or the fact that it was supposed to have occurred in an upstairs room and resulted in a shattered glass table and a significant amount of blood.

170. Erdely knew that if she provided any such details Phi Kappa Psi could easily have disproved Jackie’s story. For example, if Erdely had told Phi Psi the date of the alleged assault and that it took place at a date function, the fraternity would have been able to tell her that there was no party at Phi Psi that night. If Erdely told the fraternity that the ringleader was a brother and employee of the Aquatic and Fitness Center, Phi Psi could have told Erdely that no members of the fraternity were so employed in 2012. If Erdely had told the fraternity that pledges were present and told to participate, Phi Psi could have told Erdely that at UVA, students rush

fraternities in the spring, not the fall, and that therefore no pledges could have been present at an alleged assault in the house in September 2012. If Erdely had told the fraternity that the alleged victim was thrown through a glass coffee table and beaten, assaulted, and bloodied for hours on the shattered glass, Phi Psi could have told her that nobody had seen any physical evidence supporting such a claim.

171. The local chapter president responded and told Erdely the obvious — that this request for comment was far too vague for the fraternity to offer meaningful comment or dispute the allegations. He told her that while the University had told Phi Psi of an allegation of a sexual assault during a party, they had no details on the alleged assault or the identity of the alleged accuser. Erdely chose not to provide such details in response to the fraternity president’s email.

172. This was intentional. Erdely was satisfied that she had “checked the box” of asking the fraternity for comment while knowingly withholding details that would have allowed the fraternity to address the veracity of the claim. The local chapter president later described Erdely’s underhanded tactics as “complete bullshit.”

173. Erdely employed the same tactic when contacting the national executive director of Phi Kappa Psi. This individual told Erdely that he had learned of allegations of gang rape during Phi Psi parties, and that one alleged assault occurred in September 2012. But he told her that they had no evidence by which to substantiate or dispel the allegation. Erdely again chose not to provide any details of Jackie’s alleged assault to the fraternity and simply asked for comment.

174. Once the details of Jackie’s supposed gang rape were published in the article, Phi Kappa Psi was easily able to demonstrate that the gang rape story published in the article was false, and would easily have been able to do so prior to publication if Erdely had not intentionally withheld details that would have allowed them to do so.

Erdely and *Rolling Stone* Acted With Actual Malice By Interviewing And Disregarding Sources And The Information They Provided About Dean Eramo

175. The sexual assault survivors at UVA who Erdely did interview flatly contradicted Erdely and *Rolling Stone*'s claims that Dean Eramo was "indifferent," that she "abuse[d]" Jackie, that she "discouraged [Jackie] from sharing her story," that she claimed UVA hides rape statistics "because nobody wants to send their daughter to the rape school," that she "brushed off" Jackie and "did nothing with the information [Jackie provided]," that she sought to "suppress" Jackie's gang rape, that she did not report it to the police, and that Jackie was put through an "ordeal at the hands of [Dean Eramo]," who met her complaint with "indifference."

176. Emily Renda, the individual who first told Erdely about Jackie and her claimed sexual assault, also told the Columbia Journalism School that she provided Erdely with information in July 2014 — well in advance of publication of the article — that flatly contradicted Erdely's and *Rolling Stone*'s claims that Dean Eramo and UVA wanted to keep Jackie's supposed rape quiet. In fact, Renda warned Erdely about naming Phi Kappa Psi in the article, because UVA was still trying to convince Jackie to file a formal report, and to convince Jackie to persuade the two other alleged, anonymous victims to come forward and do the same — which would finally allow the administration to take action against the fraternity if the claims were well-founded. Because of her bias against fraternities and her desire to falsely paint Dean Eramo as indifferent to Jackie's sexual assault, Erdely willfully and recklessly disregarded this information.

177. On information and belief, Jackie herself told *Rolling Stone* prior to publication of the article that the planned portrayal of Dean Eramo and attribution of quotes such as UVA being "the rape school" were false.

178. Erdely and *Rolling Stone* recklessly disregarded Jackie's repudiation of the defamatory statements they planned to make regarding Dean Eramo.

179. Jackie, who was supposedly “abuse[ed]” by Dean Eramo, also gave a lengthy statement to the *Cavalier Daily* after the article was published. In that statement she explained that Erdely and *Rolling Stone*’s claims about how Dean Eramo treated her were completely false:

Of all the professors, deans, faculty and staff at the University of Virginia, Dean Nicole Eramo has made the most significant and, ultimately, the most positive impact on my life. Dean Eramo has truly saved my life. If it were not for her, I do not know if I could be alive today. When I came to Dean Eramo my first year, I was depressed and suicidal...I was barely hanging on. Dean Eramo was helpful and understanding and, above all, compassionate. She listened attentively to my story and provided me with several resources. At the time, I was scared and I felt alone and I was in no position to pursue legal or University action. Dean Eramo gave me the power to make my own decisions—something so small that made me feel like I finally had a sense of control in my life. Eventually, Dean Eramo put me in touch with Emily Renda and other members of One Less. This action alone was probably the best thing anyone has ever done for me. I can’t imagine what my life would be like now if it were not for Nicole Eramo. She has changed everything for the better. She has made me a better person. She has helped me get through the most difficult time in my life and has been with me every step of the way. I have said it before and I will say it again and again—Dean Nicole Eramo is an asset to this university. I do not want to go to the University of Virginia if she is not a resource for students in need of help in the aftermath of sexual violence. There is no one more qualified or capable of doing this job. Dean Eramo is above and beyond the best resource the University has.

180. Similarly, Emily Renda and Sara Surface, two student activists who were approached by Erdely and interviewed for the article, have said that the *Rolling Stone* article unfairly vilified Dean Eramo, whom both praised as a strong supporter of sexual assault victims. Renda said that rather than accurately portray Dean Eramo’s work at UVA, Erdely decided to “create an effigy, hang it and burn it.” Both Renda and Surface, along with other anti-sexual assault student activists who were interviewed, were also puzzled that Erdely did not mention their activism in the article.

181. Alex Pinkleton, another student activist interviewed for the article, disputed Erdely’s and *Rolling Stone*’s claims that Dean Eramo and UVA are indifferent to sexual assaults of students, stating “The university’s response is not, ‘We don’t care.’ When I reported my own assault, they immediately started giving me resources.”

182. Similarly, Surface has said, “[t]he administrators and staff that work directly with me and advocate for survivors are not more interested in the college’s reputation over the well-being of its students.”

183. Shockingly, when confronted with Renda and Surface’s statements, Erdely insisted that they were “confused,” and that their insistence that Dean Eramo was a strong supporter of students and that there was in fact an active activist community at UVA addressing sexual assault prevention and education, was simply “another aspect of their denialism.”

**Erdely and *Rolling Stone* Acted With Actual Malice By Repeatedly Lying
In An Effort To Bolster The Credibility of Their False Story**

184. Further evidence of *Rolling Stone* and Erdely’s actual malice, the serious doubts as to the accuracy of the false statements they published, and their purposeful avoidance of the truth, can be found in a number of clearly deliberate half-truths and untruths Erdely and *Rolling Stone* told about the article and their efforts in researching and publishing the piece.

185. Very shortly after publication, responsible journalists began to question aspects of the story and Erdely’s reporting. In response to these legitimate questions and inquiries, Erdely and *Rolling Stone* repeatedly obfuscated in an attempt to gloss over holes in their reporting, demonstrating that Erdely and *Rolling Stone* had substantial doubts about the truth of what they published.

186. Importantly, Erdely admitted to the Columbia Journalism School that she had serious doubts about Jackie’s credibility following a conversation she had with Jackie on **November 26, 2014** — one week after the article was published — when Jackie was unable to tell her the exact name of the supposed ringleader of her assault. Erdely admitted to being continuously bothered by Jackie’s refusal to identify this individual, and admitted that as she was talking to Jackie and typing notes, her fingers stopped, “an alarm bell went off in [her] head,” and she admitted to being “worried about the integrity of her story.” She also knew she needed

to do additional investigation because of these concerns. Erdely discussed her loss of confidence in the integrity of her story with her editors at *Rolling Stone*, who thus also had serious doubts as to the truth of the article.

187. While Erdely admitted to privately having serious doubts about the truth of her publication at this time, *Rolling Stone* and Erdely continued to publicly profess full confidence in Jackie's credibility, deliberately misleading the public in an effort to continue to bolster the credibility of a story they knew was likely false.

188. Erdely appeared on the *Slate* DoubleX Gabfest podcast on November 27 — the day after the “alarm bell went off in [her] head” — and repeatedly avoided answering questions that she knew would cause others to question the veracity of the article. She gave three nonresponsive answers to three direct questions about whether she actually tried to interview the alleged perpetrators. She gave a nonresponsive answer to a direct question about whether she knew who “Drew” was. And she gave a nonresponsive answer to a direct question about whether she actually spoke to “Randall,” “Cindy,” or “Andy,” and whether they verified Jackie's story and her supposed injuries. Erdely knew that if she answered these questions truthfully, people might begin probing whether her article was actually true. Because Erdely doubted that it was, she tried to avoid directly answering the questions in the hope that she could gloss over her glaring failures and prevent any second-guessing of her article.

189. Erdely also tried to bolster her story and Jackie's credibility, saying “I will just say I found [Jackie's] story to be very, I found her very credible. I put her story through the ringer, to the extent that I could.” By her own admissions to the Columbia Journalism School, at the time Erdely made these statements, she knew them to be false. In fact, she had serious doubts about Jackie's credibility and the truth of the article at that time.

190. Erdely also doubled down on her defamatory statements about Dean Eramo, claiming that Dean Eramo did not call the police with regard to Jackie's claims and that she sought to "suppress" Jackie's claimed assault. At the time she made these statements, Erdely had serious doubts as to their truth, and a high degree of awareness that they were likely false. Nevertheless, she continued to defame Dean Eramo and claim absolute faith in Jackie's credibility in the hope that nobody would discover that much of her bombshell article was false.

191. Three days later, on November 30, Erdely continued the charade by tweeting out a link to a November 28 *Washington Post* article titled "Sabrina Rubin Erdely, woman behind Rolling Stone's explosive U-Va. alleged rape story." In the article, Erdely again desperately tried to bolster Jackie's account despite her serious doubts as to the truth of her publication. She told the *Washington Post*: "I find [Jackie] completely credible." At the time she made this statement, Erdely knew it was a lie.

192. The *Washington Post* story states that in her interview, Erdely refused to say whether she knew the names of Jackie's attackers or whether in her reporting she approached "Drew," the alleged ringleader, for comment. Erdely attempted to deceive the *Washington Post* and its readers by falsely claiming that she was bound to silence about those details.

193. Erdely knew these statements to be lies. She had no agreement with Jackie that prevented her from admitting to the *Washington Post* that she did not know the names of any of Jackie's supposed attackers, that she had never approached "Drew" for comment, that she had no idea who "Drew" was or if he even existed, and that she had serious doubts about the integrity of her story. Erdely simply claimed that she was bound to secrecy to avoid these admissions and to give the impression that she did know who the alleged perpetrators were and had verified that they existed. Erdely told this lie hoping that it would prevent others from learning what she

already knew — that her claims about Jackie’s gang rape and supposed ill treatment by Dean Eramo were likely false.

194. Erdely and *Rolling Stone* continued their highly misleading conduct in the ensuing days. On December 1, 2014, the *Washington Post* published an article by Paul Farhi titled, “Author of Rolling Stone article on alleged U-Va. rape didn’t talk to accused perpetrators.”

195. Erdely again refused to answer when the *Post* asked her directly whether she knew the names of the alleged perpetrators, including the supposed ringleader “Drew.” Erdely told the *Washington Post*, “I can’t answer that. This was a topic that made Jackie extremely uncomfortable.” This was yet another knowingly false statement. Nothing prevented Erdely from telling the *Washington Post* that she did not know the names of any of the attackers, except her desire to obscure this fact to prevent people from figuring out that her entire article was based on a source whose fantastical claims could not be verified.

196. *Rolling Stone* editor Sean Woods, who edited Erdely’s story, went even further. He told the *Washington Post* that *Rolling Stone* tried to contact the alleged assailants but “could not reach them.” He claimed that “we verified their existence,” and that “these guys exist and are real. We knew who they were.” These were knowingly false statements, and *Rolling Stone* knew they were false. *Rolling Stone* did not attempt to contact the alleged perpetrators, *Rolling Stone* had no idea who they were or whether they existed, and *Rolling Stone* did not in any way verify their existence. Instead, Mr. Woods made these statements in an effort to cover up the fact that *Rolling Stone* had serious doubts about the accuracy of the article.

197. Amazingly, despite their knowledge that Jackie was not a credible source, Erdely and *Rolling Stone* still continued to double down on their false statements about Dean Eramo. Erdely insisted to the *Washington Post* that Dean Eramo “chose not to act on [Jackie’s]

allegations in any way,” and that Jackie’s and others’ allegations were “met with indifference.” Erdely and *Rolling Stone* knew that these statements were false, or at the very least had serious doubts as to whether they were true.

198. On December 2, the *Cavalier Daily* published the statements from Jackie and other women interviewed by Erdely, all of whom lauded Dean Eramo’s compassion and efforts, and utterly rebutted the false claims that Dean Eramo was indifferent to Jackie’s allegations and did nothing about them. Upon information and belief, *Rolling Stone* and Erdely saw and read the letters praising Dean Eramo on that day.

199. Still desperate to convince a now-skeptical media and public that its claims about Jackie and Dean Eramo were credible — and despite harboring serious doubts about whether they were in fact true — on December 2, 3, and 4 *Rolling Stone* circulated a statement in response to media inquiries. The statement said:

The story we published was one woman’s account of a sexual assault at a UVA fraternity in October 2012 — and the subsequent ordeal she experienced at the hands of University administrators in her attempts to work her way through the trauma of that evening. The indifference with which her complaint was met was, we discovered, sadly consistent with the experience of many other UVA women who have tried to report such assaults. Through our extensive reporting and fact-checking, we found Jackie to be entirely credible and courageous and we are proud to have given her disturbing story the attention it deserves.

200. *Rolling Stone* knew that these statements were false. *Rolling Stone* knew that Jackie was not a credible or reliable source. *Rolling Stone* knew that Jackie had already issued a statement completely rebutting any notion that Dean Eramo was indifferent to Jackie’s alleged sexual assault, and categorically stating that Jackie did not make an official report of her alleged assault to the University or police because she did not wish to do so. Numerous media outlets republished *Rolling Stone*’s statement nationally, which was *Rolling Stone*’s intent.

201. *Rolling Stone* provided this same statement to the *New York Times*, which also interviewed Erdely on December 2. Erdely falsely told the *New York Times* that “the university

administration did not pursue the accusations further,” which she called “[t]he real scandal,” in a purposeful effort to divert attention from the growing suspicion that Erdely’s article was not based in fact.

**Dean Eramo Suffers Vicious And Hurtful Attacks
Due To *Rolling Stone*’s And Erdely’s False Claims About Her**

202. The publication of the article and subsequent statements by Erdely caused irreparable harm to Dean Eramo’s reputation, as well as significant emotional distress.

203. Individuals incensed by Erdely’s portrayal of Dean Eramo in the article easily learned Dean Eramo’s email address — which is available on the UVA website — and in the days and weeks following the publication of the article Dean Eramo was subjected to unspeakable abuse in the form of hundreds of derogatory and downright threatening emails. A small sample of the invectives hurled at Dean Eramo includes:

- “I’m appalled. To turn away crying rape victims for the sake of the reputation of a school is disgraceful.... I hope you understand what you have been doing is wrong and you should be ashamed.”
- “You are a rape apologist & a FATASS. Enormous Eramo the wretched rape apologist. resign you vile worthless creature.”
- “Shame on you!! You did nothing to prevent another gang rape at UVrAPE. How do you sleep at night? Those girls were VICTIMIZED twice – first by the frat rapists and second by YOU.... I already have the RS article on Facebook. My 650 friends will send it around.”
- “That article in Rolling Stone was disgusting. You are a rape apologist who must LOVE her precious money so much that you would turn your back on these young girls.... You are a disgusting, worthless piece of trash.”
- “As an alumnus of UVA Medical School, your portrayal in the Rolling Stone article was nothing short of despicable. It appeared that you are part of an administration that perpetuates misogyny and criminal activity at the University.”
- “I’ve read the Rolling Stone article and am disgusted by your behavior. I wonder how many rapists might be out in the world victimizing women as a result of you.”
- “Dean Eramo what a piece of shit you are. You put on a show now after

abandoning these young women who have come to you for help. Resign.”

- “You are a disgusting individual and have no place being around young people.”
- “I just read the Rolling Stone article and it struck me that you are more evil than the rapists that you personally enable.”
- “I do hope you’re pleased with your portrayal in *Rolling Stone’s* article about the culture of rape at UVA, with which you are complicit. How exactly do you look in the mirror after gently pushing students away from the only possibly effective course of action in a case of rape, namely going to the police?... You are unspeakably horrible.”
- “As a woman, how can you turn a blind eye to these girls who are seeking help from such brutal acts...girls Ms. Eramo; GIRLS. God will have his day with you and hold you accountable just as the boys who have raped and performed these disgusting acts.... You are a disgusting human being.”
- “I hope you burn in hell forever you fat hypocrite!!!”

204. Commenters who read the online version of the article similarly called Dean Eramo “scum,” an “enemy of women,” and a “hack” that engaged in cover-ups and “served her alma mater uva by essentially preventing those embarrassing police complaints about rapes.”

205. In the aftermath of the article, and while *Rolling Stone’s* false allegations were being investigated, Dean Eramo was prohibited from continuing to work with students with whom she was counseling and had worked hard to build a trusting relationship. These innocent students were also harmed by having to “start over” with a different counselor.

206. As a result of the article, Dean Eramo’s reputation was irreparably damaged among her colleagues, students, alumni, and, indeed, worldwide.

207. Dean Eramo has also suffered significant embarrassment, humiliation, mental suffering, and emotional distress as a result of the article and Erdely and *Rolling Stone’s* subsequent statements. She has had extreme difficulty sleeping and eating as a result of the stress and anxiety caused by the publications. She also sought counseling from UVA’s faculty employee assistance program. The stress brought on by the publication of the article also

affected Dean Eramo's ongoing treatment for a recurrence of breast cancer, with the publication occurring shortly before Dean Eramo was scheduled to undergo surgery. Dean Eramo entered surgery emotionally and physically debilitated and suffered post-surgical complications requiring several days of hospitalization and additional surgery.

**COUNT ONE — DEFAMATION FOR STATEMENTS IN THE NOVEMBER 19, 2014
ONLINE EDITION OF THE ROLLING STONE ARTICLE "A RAPE ON CAMPUS"**

(Against Defendants Erdely, Wenner Media LLC, and Rolling Stone LLC)

208. Plaintiff repeats and re-alleges each of the foregoing paragraphs as if set forth fully herein.

209. Erdely and *Rolling Stone* published "A Rape on Campus" on November 19, 2014. The article was published to a worldwide audience on Rolling Stone's website. A true and correct copy of the online edition of the article is attached hereto as Exhibit A.

210. The article contained the following false and defamatory statements concerning Dean Eramo:

- "Jackie was just starting her freshman year at the University of Virginia when she was brutally assaulted by seven men at a frat party. When she tried to hold them accountable, a whole new kind of abuse began."
- "Lots of people have discouraged her from sharing her story, Jackie tells me with a pained look, including the trusted UVA dean to whom Jackie reported her gang-rape allegations more than a year ago."
- "Like most colleges, sexual-assault proceedings at UVA unfold in total secrecy. Asked why UVA doesn't publish all its data, President Sullivan explains that it might not be in keeping with 'best practices' and thus may inadvertently discourage reporting. Jackie got a different explanation when she'd eventually asked Dean Eramo the same question. She says Eramo answered wryly, 'Because nobody wants to send their daughter to the rape school.'"
- "A bruise mottling her face, Jackie sat in Eramo's office in May 2014 and told her about the two others. One, she says, is a 2013 graduate, who'd told Jackie that she'd been gang-raped as a freshman at the Phi Psi house. The other was a first-year whose worried friends had called Jackie after the girl had come home wearing no pants. Jackie said the girl told her she'd been assaulted by four men in a Phi Psi bathroom while a fifth watched. (Neither woman was willing to talk to RS). As Jackie

wrapped up her story, she was disappointed by Eramo's nonreaction. She'd expected shock, disgust, horror.... Of all her assailants, Drew was the one she most wanted to see held accountable — but with Drew about to graduate, he was going to get away with it. Because, as she miserably reminded Eramo in her office, she didn't feel ready to file a complaint. Eramo, as always, understood.”

- “Given the swirl of gang-rape allegations Eramo had now heard against one of UVA's oldest and most powerful fraternities ... the school may have wondered about its responsibilities to the rest of the campus. Experts apprised of the situation by RS agreed that despite the absence of an official report, Jackie's passing along two other allegations should compel the school to take action of out regard for campus safety.”

211. These statements are of and concerning Dean Eramo.

212. These statements are false:

- a. Jackie did not try to hold her supposed assailants accountable; in fact, she adamantly refused to file a report with UVA or to file a complaint or participate in a police investigation after Dean Eramo arranged for Jackie to meet with police.
- b. Dean Eramo's interactions with Jackie can in no way be characterized as “abuse.”
- c. Dean Eramo never told Jackie that UVA did not publish sexual assault statistics because nobody wants to send their daughter to the rape school and, on information and belief, Jackie did not tell Erdely that Dean Eramo said this.
- d. Dean Eramo did not have a “nonreaction” to Jackie's claim that two other girls were assaulted at Phi Psi; in fact, Dean Eramo arranged for Jackie to meet with police and Dean Eramo and UVA urged Jackie to identify the girls or have them come forward.
- e. Nor did Dean Eramo take “no action” in response to reports of Jackie's or two other girls' alleged sexual assaults.

213. The substantial danger of injury to Dean Eramo's reputation from such statements is readily apparent. Such statements would tend to so harm the reputation of another as to lower

her in the estimation of the community or to deter third persons from associating or dealing with her.

214. By such publication, *Rolling Stone* and Erdely did cause harm to Dean Eramo's reputation.

215. Erdely and *Rolling Stone*'s publication of these false statements was negligent at a minimum.

216. At minimum, Erdely and *Rolling Stone* had serious doubts as to the truth of these statements and a high degree of awareness that they were probably false, and therefore were required to investigate their veracity before publishing them. Erdely and *Rolling Stone*'s failure to do so amounts to actual malice.

217. Erdely and *Rolling Stone* purposefully avoided the truth, and purposely avoided interviewing sources and following fundamental reporting practices intentionally in order to avoid the truth.

218. At the time of publication, Erdely and *Rolling Stone* knew these statements were false, or recklessly disregarded the truth.

219. Erdely and *Rolling Stone*'s actions were malicious, willful, and wanton, and evidence a conscious disregard for Dean Eramo's rights. Accordingly, punitive damages are appropriate.

220. Erdely and *Rolling Stone*'s statements concerning Dean Eramo are defamatory *per se* because they attribute to Dean Eramo unfitness to perform the duties of her profession, and foreseeably would hurt Dean Eramo in her profession. Moreover, these statements prejudice Dean Eramo in her profession as a UVA Dean and administrator who is responsible for the welfare of UVA students and sexual assault survivors. Dean Eramo is therefore entitled to presumed damages.

221. *Rolling Stone* assigned Erdely, its Contributing Editor, to write the article, and she was acting within the scope of her employment when she published the false and defamatory statements in the article. *Rolling Stone* participated in, authorized, and ratified Erdely's conduct.

222. As a direct and proximate result of these false statements by Erdely and *Rolling Stone*, Dean Eramo has suffered damages, including, *inter alia*, injury to her reputation, embarrassment, humiliation, and emotional distress, in an amount to be determined at trial.

**COUNT TWO — DEFAMATION FOR STATEMENTS IN THE DECEMBER 2014
PRINT EDITION OF THE ROLLING STONE ARTICLE "A RAPE ON CAMPUS"**

(Against Defendants Erdely, Wenner Media LLC, and Rolling Stone LLC)

223. Plaintiff repeats and re-alleges each of the foregoing paragraphs as if set forth fully herein.

224. Erdely and *Rolling Stone* published "A Rape on Campus" in the December 2014 the hardcopy edition of *Rolling Stone* magazine, which *Rolling Stone* distributes to a national and international audience. A true and correct copy of the hardcopy edition of the article is attached hereto as Exhibit B.

225. The article contained the following false and defamatory statements concerning Dean Eramo:

- "Jackie was just starting her freshman year at the University of Virginia when she was brutally assaulted by seven men at a frat party. When she tried to hold them accountable, a whole new kind of abuse began."
- "Lots of people have discouraged her from sharing her story, Jackie tells me with a pained look, including the trusted UVA dean to whom Jackie reported her gang-rape allegations more than a year ago."
- "Like most colleges, sexual-assault proceedings at UVA unfold in total secrecy. Asked why UVA doesn't publish all its data, President Sullivan explains that it might not be in keeping with 'best practices' and thus may inadvertently discourage reporting. Jackie got a different explanation when she'd eventually asked Dean Eramo the same question. She says Eramo answered wryly, 'Because nobody wants to send their daughter to the rape school.'"

- “A bruise mottling her face, Jackie sat in Eramo’s office in May 2014 and told her about the two others. One, she says, is a 2013 graduate, who’d told Jackie that she’d been gang-raped as a freshman at the Phi Psi house. The other was a first-year whose worried friends had called Jackie after the girl had come home wearing no pants. Jackie said the girl told her she’d been assaulted by four men in a Phi Psi bathroom while a fifth watched. (Neither woman was willing to talk to RS.) As Jackie wrapped up her story, she was disappointed by Eramo’s nonreaction. She’d expected shock, disgust, horror.... Of all her assailants, Drew was the one she most wanted to see held accountable — but with Drew about to graduate, he was going to get away with it. Because, as she miserably reminded Eramo in her office, she didn’t feel ready to file a complaint. Eramo, as always, understood.”
- “Given the swirl of gang-rape allegations Eramo had now heard against one of UVA’s oldest and most powerful fraternities ... the school may have wondered about its responsibilities to the rest of the campus. Experts apprised of the situation by RS agreed that despite the absence of an official report, Jackie’s passing along two other allegations should compel the school to take action of out regard for campus safety.”

226. These statements are of and concerning Dean Eramo.

227. These statements are false:

- a. Jackie did not try to hold her supposed assailants accountable; in fact, she adamantly refused to file a report with UVA or to file a complaint or participate in a police investigation after Dean Eramo arranged for Jackie to meet with police.
- b. Dean Eramo’s interactions with Jackie can in no way be characterized as “abuse.”
- c. Dean Eramo never told Jackie that UVA did not publish sexual assault statistics because nobody wants to send their daughter to the rape school and, on information and belief, Jackie did not tell Erdely that Dean Eramo said this.
- d. Dean Eramo did not have a “nonreaction” to Jackie’s claim that two other girls were assaulted at Phi Psi; in fact, Dean Eramo arranged for Jackie to meet with police and Dean Eramo and UVA urged Jackie to identify the girls or have them come forward.
- e. Nor did Dean Eramo take “no action” in response to reports of Jackie’s or two other girls’ alleged sexual assaults.

228. The substantial danger of injury to Dean Eramo's reputation from such statements is readily apparent. Such statements would tend to so harm the reputation of another as to lower her in the estimation of the community or to deter third persons from associating or dealing with her.

229. By such publication, *Rolling Stone* and Erdely caused harm to Dean Eramo's reputation.

230. Erdely and *Rolling Stone's* publication of these false statements was negligent at a minimum.

231. At minimum, Erdely and *Rolling Stone* had serious doubts as to the truth of these statements and a high degree of awareness that they were probably false, and therefore were required to investigate their veracity before publishing them. Erdely and *Rolling Stone's* failure to do so amounts to actual malice.

232. Erdely and *Rolling Stone* purposefully avoided the truth, and purposely avoided interviewing sources and following fundamental reporting practices intentionally in order to avoid the truth.

233. At the time of publication, Erdely and *Rolling Stone* knew these statements were false, or recklessly disregarded the truth.

234. Erdely and *Rolling Stone's* actions were malicious, willful, and wanton, and evidence a conscious disregard for Dean Eramo's rights. Accordingly, punitive damages are appropriate.

235. Erdely and *Rolling Stone's* statements concerning Dean Eramo are defamatory *per se* because they attribute to Dean Eramo unfitness to perform the duties of her profession, and foreseeably would hurt Dean Eramo in her profession. Moreover, these statements prejudice Dean Eramo in her profession as a UVA Dean and administrator who is responsible for the

welfare of UVA students and sexual assault survivors. Dean Eramo is therefore entitled to presumed damages.

236. *Rolling Stone* assigned Erdely, its Contributing Editor, to write the article, and she was acting within the scope of her employment when she published the false and defamatory statements in the article. *Rolling Stone* participated in, authorized, and ratified Erdely's conduct.

237. As a direct and proximate result of these false statements by Erdely and *Rolling Stone*, Dean Eramo has suffered damages, including, *inter alia*, injury to her reputation, embarrassment, humiliation, and emotional distress, in an amount to be determined at trial.

COUNT THREE — DEFAMATION FOR STATEMENT ON THE BRIAN LEHRER SHOW

(Against Defendants Erdely, Wenner Media LLC, and Rolling Stone LLC)

238. Plaintiff repeats and re-alleges each of the foregoing paragraphs as if set forth fully herein.

239. Erdely appeared on the Brian Lehrer Show on November 26, 2014, at the direction and encouragement of *Rolling Stone*. The Brian Lehrer Show is a radio program broadcast on WNYC, a public radio station in New York City broadcast in both AM and FM. The program is also broadcast to listeners nationwide and available for download on the WNYC website. A certified transcript of the November 26, 2014 episode of the Brian Lehrer Show is attached hereto as Exhibit C.

240. During her appearance on the Brian Lehrer Show, Erdely made the following false and defamatory statement concerning Dean Eramo:

- “[Jackie] was kind of brushed off by her friends and by the administration.... And eventually, when she did report it to the administration, the administration did nothing about, they did nothing with the information. And they even continued to do nothing even when she eventually told them that she had become aware of two other women who were also gang raped at the same fraternity.”

241. This statement is of and concerning Dean Eramo, as the article only identifies one UVA administrator to whom Jackie reported the alleged assault. Moreover, Erdely intended to refer to Dean Eramo in this statement, and those who know Dean Eramo or who read “A Rape On Campus” understood this statement to be about Dean Eramo.

242. This statement is false. Dean Eramo did not do “nothing” in response to Jackie’s allegations and did not continue to do nothing when Jackie claimed to know of other girls who were assaulted at the Phi Psi house. Dean Eramo encouraged Jackie to file a criminal complaint, arranged for her to meet with the police, and encouraged Jackie to convince the other supposed victims to come forward.

243. The substantial danger of injury to Dean Eramo’s reputation from such a statement is readily apparent. Such a statement would tend to so harm the reputation of another as to lower her in the estimation of the community or to deter third persons from associating or dealing with her.

244. By such publication, *Rolling Stone* and Erdely caused harm to Dean Eramo’s reputation.

245. Erdely and *Rolling Stone*’s publication of this false statement was negligent at a minimum.

246. At minimum, Erdely and *Rolling Stone* had serious doubts as to the truth of this statement and a high degree of awareness that it was probably false, and therefore they were required to investigate its veracity before publishing the statement. Erdely and *Rolling Stone*’s failure to do so amounts to actual malice.

247. Erdely and *Rolling Stone* purposefully avoided the truth, and purposely avoided interviewing sources and following fundamental reporting practices intentionally in order to avoid the truth.

248. At the time of publication, Erdely and *Rolling Stone* knew this statement was false, or recklessly disregarded the truth.

249. Erdely and *Rolling Stone's* actions were malicious, willful, and wanton, and evidence a conscious disregard for Dean Eramo's rights. Accordingly, punitive damages are appropriate.

250. Erdely and *Rolling Stone's* statement concerning Dean Eramo is defamatory per se because it attributes to Dean Eramo unfitness to perform the duties of her profession, and foreseeably would hurt Dean Eramo in her profession. Moreover, these statements prejudice Dean Eramo in her profession as a UVA Dean and administrator who is responsible for the welfare of UVA students and sexual assault survivors. Dean Eramo is therefore entitled to presumed damages.

251. Erdely was acting within the scope of her employment as Contributing Editor and author of the article when she appeared on the Brian Lehrer Show, at *Rolling Stone's* direction and with its encouragement, in order to gain publicity for the article. *Rolling Stone* participated in, authorized, and ratified Erdely's conduct.

252. As a direct and proximate result of this false statement by Erdely and *Rolling Stone*, Dean Eramo has suffered damages, including, *inter alia*, injury to her reputation, embarrassment, humiliation, and emotional distress, in an amount to be determined at trial.

**COUNT FOUR — DEFAMATION FOR STATEMENTS ON THE SLATE DOUBLEX
GABFEST PODCAST**

(Against Defendants Erdely, Wenner Media LLC and Rolling Stone LLC)

253. Plaintiff repeats and re-alleges each of the foregoing paragraphs as if set forth fully herein.

254. Erdely appeared on the Slate DoubleX Gabfest podcast on November 27, 2014, at *Rolling Stone's* direction and encouragement. This podcast is published nationally and available

on Slate.com and on iTunes. A certified transcript of the November 27, 2014 episode of the DoubleX Gabfest podcast is attached hereto as Exhibit D.

255. During her appearance on the podcast, Erdely made the following false and defamatory statements concerning Dean Eramo:

- “[Jackie] had eventually kind of mustered up the courage to tell the administration that she had been brutally gang raped, and that the University did nothing with this information and that they continued to do nothing even when she told them that she had become aware of two other women that were also gang raped at that fraternity.”
- “It is incredibly extreme. I mean whether this was perpetrated by a serial rapist who has many victims — I mean it seems like no matter what, this is an incredibly messed up situation. But it was absolutely a violent crime and I think what was really telling was the idea that — and this really underscores the entire article; is the student body and the administration doesn’t really treat rape as a crime, as a violent crime.... Even in this case, right, exactly. And this is why this case blew my mind, that Jackie’s situation blew my mind; that even in a situation that was so extreme and so obviously within the realm of criminal, that they would seek to suppress something like this because that’s really what they did. Not only did they not report it to police, but really I feel she was sort of discouraged from moving this forward.”
- “She’s particularly afraid of Drew who she’s assigned a tremendous amount of power in her own mind.... So I think that the idea of [Jackie] facing him or them down in any way is really just emotionally crippling for her. She’s having a hard time facing up to that, and I think that she needs a lot of support if she’s going to get to the place where she can actually confront them. When she does actually run into some of her alleged assailants on campus sometimes, she recognizes them all. She can identify them all. When she sees them, just the sight of them, obviously it’s a shock but it also tends to send her into a depression. So it just goes to show sort of the emotional toll something like this would take. I just think it would require a great deal of support for her to move forward into any of these options to resolve her case and that’s something that’s been completely absent. She really hasn’t had any of that support from her friends, from the administration, nor from her family.”
- “What I found is that UVA is a place where their culture is one of extreme loyalty, so I guess it shouldn’t have surprised me that the community of survivors, they’re totally devoted to the University, even as they’re not very happy with the way that their cases are handled. They totally buy into the attitude that radiates from the administration that doing nothing is a fine option. You know, if you unburden yourself to the Dean and take care of your own mental health, then that’s good enough. They created this support group, which is great for them and they do activism, they do bystander support seminars, I mean intervention seminars and things like that which is great, but really what they’re doing is affirming one another’s choices not to report, which is, of course, an echo of their own administration’s kind of ethos.”

256. These statements are of and concerning Dean Eramo, as the article only identifies one UVA administrator to whom Jackie reported the alleged assault. Moreover, Erdely intended to refer to Dean Eramo in these remarks, and those who know Dean Eramo or who read “A Rape On Campus” understood these statements to be about Dean Eramo.

257. These statements are false.

- a. Dean Eramo did not do “nothing” in response to Jackie’s allegations and did not continue to do nothing when Jackie claimed to know of other girls who were assaulted at the Phi Psi house. Dean Eramo encouraged Jackie to file a criminal complaint, arranged for her to meet with the police, and encouraged Jackie to convince the other supposed victims to come forward.
- b. Dean Eramo in no way sought to “suppress” Jackie’s alleged sexual assault, and in no way discouraged Jackie from seeking to hold the perpetrators accountable through the University and/or criminal processes. In fact, Dean Eramo supported Jackie with respect to reporting her alleged assault to the police and arranged for Jackie to meet with police.
- c. Dean Eramo did not in any way encourage Jackie not to report her alleged assault, and in fact did the opposite.

258. The substantial danger of injury to Dean Eramo’s reputation from such statements is readily apparent. Such statements would tend to so harm the reputation of another as to lower her in the estimation of the community or to deter third persons from associating or dealing with her.

259. By such publication, *Rolling Stone* and Erdely caused harm to Dean Eramo’s reputation.

260. Erdely and *Rolling Stone*'s publication of these false statements was negligent at a minimum.

261. At minimum, Erdely and *Rolling Stone* had serious doubts as to the truth of these statements and a high degree of awareness that they were probably false, and therefore were required to investigate their veracity before publishing them. Erdely and *Rolling Stone*'s failure to do so amounts to actual malice.

262. Erdely and *Rolling Stone* purposefully avoided the truth, and purposely avoided interviewing sources and following fundamental reporting practices intentionally in order to avoid the truth.

263. At the time of publication, Erdely and *Rolling Stone* knew these statements were false, or recklessly disregarded the truth.

264. Erdely and *Rolling Stone*'s actions were malicious, willful, and wanton, and evidence a conscious disregard for Dean Eramo's rights. Accordingly, punitive damages are appropriate.

265. Erdely and *Rolling Stone*'s statements concerning Dean Eramo are defamatory per se because they attribute to Dean Eramo unfitness to perform the duties of her profession, and foreseeably would hurt Dean Eramo in her profession. Moreover, these statements prejudice Dean Eramo in her profession as a UVA Dean and administrator who is responsible for the welfare of UVA students and sexual assault survivors. Dean Eramo is therefore entitled to presumed damages.

266. Erdely was acting within the scope of her employment as Contributing Editor and author of the article when she appeared on the podcast, at *Rolling Stone*'s direction and with its encouragement, in order to gain publicity for the article. *Rolling Stone* participated in, authorized, and ratified Erdely's conduct.

267. As a direct and proximate result of these false statements by Erdely and *Rolling Stone*, Dean Eramo has suffered damages, including, *inter alia*, injury to her reputation, embarrassment, humiliation, and emotional distress, in an amount to be determined at trial.

**COUNT FIVE — DEFAMATION FOR STATEMENT TO THE *WASHINGTON POST*
(Against Defendants Erdely, Wenner Media LLC, and Rolling Stone LLC)**

268. Plaintiff repeats and re-alleges each of the foregoing paragraphs as if set forth fully herein.

269. Erdely and *Rolling Stone* gave interviews to the *Washington Post* and made statements that were included in a *Washington Post* story published on December 1, 2014, entitled “Author of Rolling Stone article on alleged U-Va. rape didn’t talk to the accused perpetrators.” This article was published and distributed nationwide in print, and online on the *Washington Post*’s website. A true and correct copy of this story is attached hereto as Exhibit E.

270. Erdely made the following false and defamatory statement to the *Washington Post* concerning Dean Eramo:

- “As I’ve already told you, the gang-rape scene that leads the story is the alarming account that Jackie — a person whom I found to be credible — told to me, told her friends, and importantly, what she told the UVA administration, which chose not to act on her allegations in any way — i.e., the overarching point of the article. THAT is the story: the culture that greeted her and so many other UVA women I interviewed, who came forward with allegations, only to be met with indifference.”

271. This statement is of and concerning Dean Eramo, as the article only identifies one UVA administrator to whom Jackie reported the alleged assault. Moreover, Erdely intended to refer to Dean Eramo in this statement, and those who know Dean Eramo or who read “A Rape On Campus” understood this statement to be about Dean Eramo.

272. This statement is false. Dean Eramo did act on Jackie’s allegations, both by encouraging her to file a criminal complaint with the police and by offering the opportunity to seek an administrative remedy through the University disciplinary system. Dean Eramo also

arranged for Jackie to meet with police. Dean Eramo did not respond to Jackie's allegations with indifference. By the time she made this statement, Erdely also knew that the other sexual assault survivors she had interviewed at UVA had completely refuted the claim that Dean Eramo was indifferent to their allegations.

273. The substantial danger of injury to Dean Eramo's reputation from such a statement is readily apparent. Such a statement would tend to so harm the reputation of another as to lower her in the estimation of the community or to deter third persons from associating or dealing with her.

274. By such publication, *Rolling Stone* and Erdely caused harm to Dean Eramo's reputation.

275. Erdely and *Rolling Stone's* publication of this false statement was negligent at a minimum.

276. At minimum, Erdely and *Rolling Stone* had serious doubts as to the truth of this statement and a high degree of awareness that it was probably false, and therefore they were required to investigate its veracity before publishing it. Erdely and *Rolling Stone's* failure to do so amounts to actual malice.

277. Erdely and *Rolling Stone* purposefully avoided the truth, and purposely avoided interviewing sources and following fundamental reporting practices intentionally in order to avoid the truth.

278. At the time of publication, Erdely and *Rolling Stone* knew this statement was false, or recklessly disregarded the truth.

279. Erdely and *Rolling Stone's* actions were malicious, willful, and wanton, and evidence a conscious disregard for Dean Eramo's rights. Accordingly, punitive damages are appropriate.

280. Erdely and *Rolling Stone*'s statement concerning Dean Eramo is defamatory per se because it attributes to Dean Eramo unfitness to perform the duties of her profession, and foreseeably would hurt Dean Eramo in her profession. Moreover, these statements prejudice Dean Eramo in her profession as a UVA Dean and administrator who is responsible for the welfare of UVA students and sexual assault survivors. Dean Eramo is therefore entitled to presumed damages.

281. Erdely was acting within the scope of her employment as Contributing Editor and author of the article when she gave this statement to the *Washington Post*, at *Rolling Stone*'s direction and with its encouragement, in order to defend the credibility of the article. *Rolling Stone* participated in, authorized, and ratified Erdely's conduct.

282. As a direct and proximate result of this false statement by Erdely and *Rolling Stone*, Dean Eramo has suffered damages, including, *inter alia*, injury to her reputation, embarrassment, humiliation, and emotional distress, in an amount to be determined at trial.

**COUNT SIX — DEFAMATION FOR DECEMBER 2, 2014 PRESS STATEMENT
(Against Defendants Erdely, Wenner Media LLC, and Rolling Stone LLC)**

283. Plaintiff repeats and re-alleges each of the foregoing paragraphs as if set forth fully herein.

284. Erdely and *Rolling Stone* provided a press statement to numerous media outlets beginning on or about December 2, 2014, and continuing for several days. This press statement was then republished nationwide in numerous articles and online posts, including by the *Washington Post* in a December 2, 2014 article entitled "Rolling Stone whiffs in reporting on alleged rape," and by the *Daily Beast* in a December 5, 2014 article entitled, "Rolling Stone Said Yesterday U-VA Rape Story Was 'Entirely Credible.'" These republications were foreseeable

and intended by *Rolling Stone*. A true and correct copy of the December 2, 2014 *Washington Post* article is attached hereto as Exhibit F.

285. The press statement contained the following false and defamatory statement concerning Dean Eramo:

- “The story we published was one woman’s account of a sexual assault at a UVA fraternity in October 2012 – and the subsequent ordeal she experienced at the hands of University administrators in her attempts to work her way through the trauma of that evening. The indifference with which her complaint was met was, we discovered, sadly consistent with the experience of many other UVA women who have tried to report such assaults. Through our extensive reporting and fact-checking, we found Jackie to be entirely credible and courageous and we are proud to have given her disturbing story the attention it deserves.”

286. This statement is of and concerning Dean Eramo, as the article only identifies one UVA administrator to whom Jackie reported the alleged assault. Moreover, Erdely intended to refer to Dean Eramo in this statement, and those who know Dean Eramo or who read the article understood this statement to be about Dean Eramo.

287. This statement is false. Jackie did not suffer an ordeal at the hands of Dean Eramo, and Dean Eramo did not meet Jackie’s complaint with indifference. Moreover, at the time it made this statement, *Rolling Stone* knew full well that Jackie was not credible.

288. The substantial danger of injury to Dean Eramo’s reputation from such a statement is readily apparent. Such a statement would tend to so harm the reputation of another as to lower her in the estimation of the community or to deter third persons from associating or dealing with her.

289. By such publication, *Rolling Stone* and Erdely caused harm to Dean Eramo’s reputation.

290. Erdely and *Rolling Stone*’s publication of this false statement was negligent at a minimum.

291. At minimum, Erdely and *Rolling Stone* had serious doubts as to the truth of this statement and a high degree of awareness that it was probably false, and therefore they were required to investigate its veracity before publishing it. Erdely and *Rolling Stone*'s failure to do so amounts to actual malice.

292. Erdely and *Rolling Stone* purposefully avoided the truth, and purposely avoided interviewing sources and following fundamental reporting practices intentionally in order to avoid the truth.

293. At the time of publication, Erdely and *Rolling Stone* knew this statement was false, or recklessly disregarded the truth.

294. Erdely and *Rolling Stone*'s actions were malicious, willful, and wanton, and evidence a conscious disregard for Dean Eramo's rights. Accordingly, punitive damages are appropriate.

295. Erdely and *Rolling Stone*'s statement concerning Dean Eramo is defamatory per se because it attributes to Dean Eramo unfitness to perform the duties of her profession, and foreseeably would hurt Dean Eramo in her profession. Moreover, these statements prejudice Dean Eramo in her profession as a UVA Dean and administrator who is responsible for the welfare of UVA students and sexual assault survivors. Dean Eramo is therefore entitled to presumed damages.

296. As a direct and proximate result of this false statement by Erdely and *Rolling Stone*, Dean Eramo has suffered damages, including, *inter alia*, injury to her reputation, embarrassment, humiliation, and emotional distress, in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter an award in Plaintiff's favor, and against Defendants, as follows:

- (1) awarding Dean Eramo compensatory damages of not less than \$7,500,000.00;
- (2) awarding Dean Eramo punitive damages of not less than \$350,000.00;
- (3) awarding Dean Eramo all expenses and costs, including attorneys' fees; and
- (4) such other and further relief as the Court deems appropriate.

A JURY TRIAL IS DEMANDED.

Dated: May 12, 2015

Respectfully Submitted,



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