

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form shall be filed by the plaintiff or petitioner for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statutes section 25.075. (See instructions for completion.)

I. CASE STYLE

(Name of Court)

Plaintiff Jane Doe

Case #: - 10-CA-003258

Judge: - Judge: Mottugh, Michael T

vs.

Defendant Johan A. Santana

II. TYPE OF CASE

(If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x in both the main category and subcategory boxes.

- Condominium
- Contracts and indebtedness
- Eminent domain
- Auto negligence
- Negligence—other
 - Business governance
 - Business torts
 - Environmental/Toxic tort
 - Third party indemnification
 - Construction defect
 - Mass tort
 - Negligent security
 - Nursing home negligence
 - Premises liability—commercial
 - Premises liability—residential
- Products liability
- Real property/Mortgage foreclosure
 - Commercial foreclosure \$0 - \$50,000
 - Commercial foreclosure \$50,001 - \$249,999
 - Commercial foreclosure \$250,000 or more
- Homestead residential foreclosure \$0 - \$50,000
- Homestead residential foreclosure \$50,001 - \$249,999
- Homestead residential foreclosure \$250,000 or more
- Non-homestead residential foreclosure \$0 - \$50,000
- Non-homestead residential foreclosure \$50,001 - \$249,999
- Non-homestead residential foreclosure \$250,000 or more
- Other real property actions \$0 - \$50,000
- Other real property actions \$50,001 - \$249,999
- Other real property actions \$250,000 or more
- Professional malpractice
 - Malpractice—business
 - Malpractice—medical
 - Malpractice—other professional
- Other
 - Antitrust/Trade regulation
 - Business transactions
 - Constitutional challenge—statute or ordinance

- Constitutional challenge—proposed amendment
- Corporate trusts
- Discrimination—employment or other
- Insurance claims
- Intellectual property

- Libel/Slander
- Shareholder derivative action
- Securities litigation
- Trade secrets
- Trust litigation

III. REMEDIES SOUGHT (check all that apply):

- monetary;
- non-monetary declaratory or injunctive relief;
- punitive

IV. NUMBER OF CAUSES OF ACTION: 3

(specify) 1) Sexual Battery 2) Assault
3) False Imprisonment

V. IS THIS CASE A CLASS ACTION LAWSUIT?

- yes
- no

VI. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

- no
 - yes If "yes," list all related cases by name, case number, and court.
- _____
- _____
- _____

VII. IS JURY TRIAL DEMANDED IN COMPLAINT?

- yes
- no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief.

Signature

Attorney or party

Michael T. Dolce, Esq.
(type or print name)

Fla. Bar #

048445
(Bar # if attorney)

Date

9 August 2010

IN THE CIRCUIT COURT OF THE
TWENTIETH JUDICIAL CIRCUIT IN AND
FOR LEE COUNTY, FLORIDA

CASE NO. 10 - CA - 003258
Judge: McHugh, Michael T

JANE DOE,

Plaintiff,

vs.

JOHAN A. SANTANA,

Defendant./

**VERIFIED MOTION FOR ADMISSION TO APPEAR PRO HAC VICE
PURSUANT TO FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.510**

COMES NOW, John C. Clune, Esq., and moves for admission pro hac vice for this action, and respectfully represents the following:

1. Movant is an attorney licensed in Colorado whose business address is Victim Justice, P.C., 2363 Blake Street, Suite 203, Denver, Colorado 80205.
2. Movant maintains residents in Colorado. Movant is not a resident of the State of Florida.
3. Movant has been retained personally by Plaintiff, Jane Doe, to provide legal representation in connection with the above-styled matter now before this Court.
4. Movant is an active member in good standing and currently eligible to practice law in the following jurisdictions: all courts in the State of Colorado.
5. There are no disciplinary proceedings pending against Movant.

6. Within the past five (5) years, Movant has not been subject to any disciplinary proceedings.

7. Movant has never been subject to any suspension proceedings.

8. Movant has never been subject to any disbarment proceedings.

9. Movant either by resignation, withdrawal, or otherwise, never has terminated or attempted to terminate Movant's office as an attorney in order to avoid any administrative, disciplinary, disbarment, or suspension proceedings.

10. Movant is not an inactive member of The Florida Bar.

11. Movant is not now a member of The Florida Bar.

12. Movant is not a suspended member of The Florida Bar.

13. Movant is not a disbarred member of The Florida Bar nor has Movant received a disciplinary resignation from The Florida Bar.

14. Movant has not previously been disciplined or held in contempt by reason of misconduct committed while engaged in representation pursuant to Florida Rule of Judicial Administration 2.510.

15. Movant has not filed motion(s) to appear as counsel in Florida state courts during the past five (5) years.

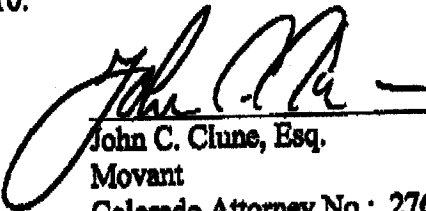
16. Local counsel to be associated with Movant in this matter is Michael T. Dolce, Esq., Florida Bar No. 048445, who has been an active member in good standing of The Florida Bar without interruption since 1995 and has offices at 2401 PGA Blvd., Suite 140, Palm Beach Gardens, Florida 33410, Telephone (561) 625-6260.

17. Movant has read the applicable provision of Florida Rule of Judicial Administration 2.510 and Rule 1-3.10 of the Rules of Regulating The Florida Bar and certifies that this verified motion complies with those rules.

18. Movant agrees to comply with the provisions of the Florida Rules of Professional Conduct and consents to the jurisdiction of the courts and the Bar of the State of Florida.

WHEREFORE, Movant respectfully requests permission to appear in this court for this cause only.

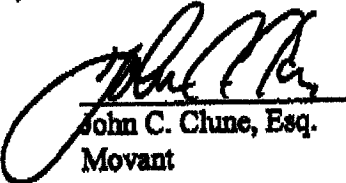
DATED this 9th day of August, 2010.



John C. Clune, Esq.
Movant
Colorado Attorney No.: 27684
Victim Justice, P.C.
2363 Blake Street, Suite 203
Denver, CO 80205
(303) 413-8300 (telephone)
(303) 413-8301 (facsimile)

STATE OF COLORADO)
) SS
COUNTY OF DENVER)

I, JOHN C. CLUNE, ESQ., do hereby swear or affirm under penalty of perjury that I am the Movant in the above-styled matter; that I have read the foregoing motion and know the contents thereof; and the contents are true of my own knowledge and belief.




John C. Clune, Esq.
Movant

I hereby consent to be associated as local counsel of record in this cause pursuant to
Florida Rule of Judicial Administration 2.510.

DATED this 9 day of August, 2010.

Slawson Cunningham Whalen & Gaspari,
P.L.
2401 PGA Boulevard, Suite 140
Palm Beach Gardens, FL 33410
(561) 625-6260 (telephone)
(561) 624-6269 (facsimile)
Attorney for Plaintiff


Michael Dolce
Florida Bar # 048445

IN THE CIRCUIT COURT OF THE
TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY,
FLORIDA

CASE NO. _ 10 - CA - 003258
Judge: McHugh, Michael T

JANE DOE,

Plaintiff,

vs.

JOHAN A. SANTANA,

Defendant.

COMPLAINT

The Plaintiff, JANE DOE, by and through her undersigned counsel, hereby sues
JOHAN A. SANTANA and states:

JURISDICTION

1. This is an action for legal and equitable relief and for damages in excess of \$15,000.00, exclusive of any claim for costs, interest or attorneys fees. Jurisdiction in this Court is therefore proper pursuant to Florida Statutes section 26.012.

VENUE

2. Venue is proper in this Court pursuant to Florida Statutes sections 47.011 in that the causes of action herein accrued in Lee County, Florida.

PARTIES

3. Plaintiff JANE DOE is an individual residing in Florida and is otherwise *sui juris*. "JANE DOE" is an assumed name for purpose of all papers filed in this action. The actual identity of JANE DOE is withheld here pursuant to Florida Statutes section

794.024 and such other laws intended to protect the privacy and identity of sexual assault victims. The identity of JANE DOE will be verified to JOHAN A. SANTANA or his counsel by the undersigned upon demand and will likewise be disclosed to this Court as required by law and its Orders. The identity of JANE DOE is well known to and discernable by JOHAN A. SANTANA based on the specificity of the allegations plead herein.

4. Defendant JOHAN A. SANTANA is an individual residing in Lee County, Florida, and is otherwise *sui juris*.

GENERAL ALLEGATIONS COMMON TO ALL COUNTS

5. This is an action arising from multiple intentional torts by JOHAN A. SANTANA against JANE DOE which he committed on or about October 27, 2009, culminating in JOHAN A. SANTANA raping JANE DOE under acquaintance/date rape circumstances, as more fully described herein.

6. JOHAN A. SANTANA did willfully, wantonly, intentionally, grossly and maliciously commit illegal acts against JANE DOE including assault, battery, wrongful imprisonment, lewd and lascivious exhibition, lewd and lascivious battery, and sexual battery.

7. The illegal and cruel acts perpetrated by JOHAN A. SANTANA against JANE DOE, include without limitation:

7.1 Luring JANE DOE by use of false pretenses to a remote, outdoor area in order to commit premeditated crimes against her as more fully described herein;

7.2 Making verbal statements of a threatening and intimidating nature against JANE DOE, while having the apparent present ability to inflict harm of the

threatened nature, which had the intent and effect of placing JANE DOE in fear of her physical safety;

7.3 Forcibly grabbing and restraining JANE DOE to prevent her from escaping when she attempted to do so;

7.4 Forcibly removing JANE DOE's clothing to expose and access the private and sexual areas of her body over her express objection, pleading and begging for him to stop;

7.5 Continuing and repeatedly forcibly removing JANE DOE's clothing when she attempted to resist and re-dress herself, and while she expressly objected to JOHAN A. SANTANA's actions and begged and pleaded with JOHAN A. SANTANA to stop his illegal actions;

7.6 Committing oral sexual battery against JANE DOE when she was partially disrobed over her express objection, and pleading and begging for him to stop;

7.7 Exposing his penis in the presence of JANE DOE over her express objection, pleading and begging for him to stop;

7.8. Forcing contact of his penis against various parts of JANE DOE's body over her express objection, pleading and begging for him to stop;

7.9. Forcing penetration of JANE DOE's vagina with his penis over her express objection, pleading and begging for him to stop; and

7.10. Impregnating JANE DOE.

8. As the direct and proximate result of JOHAN A. SANTANA's intentional and illegal conduct, JANE DOE has been damaged in the past and will continue to sustain damage in the future. This damage includes, without necessary limitation:

- 8.1. Suffering physical pain ;
- 8.2. Suffering severe mental and crippling emotional pain and distress,
with psychological and psychiatric damage, mental anguish, and humiliation;
- 8.3. Suffering social interaction disorders;
- 8.4. Suffering diminished self-esteem and self-trust;
- 8.5. Suffering from recurring and persistent fears, phobias, and
flashbacks;
- 8.6. Suffering from acute stress disorder;
- 8.7. Suffering from post-traumatic stress disorder;
- 8.8. Suffering anxiety and panic disorders, including in relation to and
in relationships with other people;
- 8.9. Suffering from multiple mental disorders with dissociative and
detachment symptoms;
- 8.10. Suffering from severe depression; and
- 8.11. Suffering from psychosomatic disorders.

9. As a result of her injuries caused by the illegal actions of JOHAN A. SANTANA, JANE DOE has in the past incurred, and will continue to incur in the future, extensive mental health and related treatment expenses. This treatment has been required continuously since on or about October 27, 2009, and will continue throughout the rest of JANE DOE'S life.

COUNT I – SEXUAL BATTERY

10. Plaintiff realleges and reavers the general allegations common to all counts as if fully set forth herein.

11. On or about October 27, 2009, JOHAN A. SANTANA did intentionally, without privilege and over the objection of JANE DOE, commit against her forcible sexual battery, lewd and lascivious exhibition, lewd and lascivious battery and he impregnated her.

12. As a direct and proximate result of the illegal acts of JOHAN A. SANTANA, JANE DOE was damaged, including without limitation by sustaining physical, psychological, and psychiatric harm and injury; mental anguish; pain and suffering; aggravation of prior injury and/or medical conditions; lost income in the past and future; future loss of earning capacity; loss of capacity for the enjoyment of life; and medical expenses. These damages have been sustained in the past, are continuing, and will continue in the future.

WHEREFORE, JANE DOE demands judgment against JOHAN A. SANTANA for relief including monetary and all other damages cognizable at law, costs of this action, interest, and upon amendment as indicated below, for punitive damages, as well as such other and further legal and equitable relief as the Court deems just under the circumstances.

COUNT II – ASSAULT

13. Plaintiff realleges and reavers the general allegations common to all counts as if fully set forth herein.

14. On or about October 27, 2009, JOHAN A. SANTANA did intentionally and unlawfully make threats to JANE DOE of inflicting or causing her to suffer imminent bodily injury if she resisted his illegal actions against her body.

15. At that time, JOHAN A. SANTANA had the apparent present ability to effectuate the threats of bodily injury against JANE DOE.

16. At that time, JOHAN A. SANTANA's actions created a reasonable fear in JANE DOE of imminent physical harm.

17. JOHAN A. SANTANA committed intentional and unlawful assault on JANE DOE in order to facilitate perpetrating additional crimes against her, including sexual battery.

18. As a direct and proximate result of the illegal acts of JOHAN A. SANTANA, JANE DOE was damaged, including without limitation by sustaining physical, psychological, and psychiatric harm and injury; mental anguish; pain and suffering; aggravation of prior injury and/or medical conditions; lost income in the past and future; future loss of earning capacity; loss of capacity for the enjoyment of life; and medical expenses. These damages have been sustained in the past, are continuing, and will continue in the future.

WHEREFORE, JANE DOE demands judgment against JOHAN A. SANTANA for relief including monetary and all other damages cognizable at law, costs of this action, interest, and upon amendment as indicated below, for punitive damages, as well as such other and further legal and equitable relief as the Court deems just under the circumstances.

COUNT III - FALSE IMPRISONMENT

19. Plaintiff realleges and reavers the general allegations common to all counts as if fully set forth herein.

20. On or about October 27, 2009, JOHAN A. SANTANA did unlawfully and intentionally restrain JANE DOE in order to confine her against her express desires by use of physical force.

21. At that time, JOHAN A. SANTANA did unlawfully and intentionally restrain JANE DOE against her express desires by use of psychological force through verbal threats and intimidation with the intent and the affect of inducing reasonable fear in her of force and the infliction of greater harm to her if she attempted to escape or resist his efforts to restrain her.

22. At all times, JANE DOE was conscious of the physical and psychological restraints being used against her in order to confine her against her will.

23. As a direct and proximate result of the illegal acts of JOHAN A. SANTANA, JANE DOE was damaged, including without limitation by sustaining physical, psychological, and psychiatric harm and injury; mental anguish; pain and suffering; aggravation of prior injury and/or medical conditions; lost income in the past and future; future loss of earning capacity; loss of capacity for the enjoyment of life; and medical expenses. These damages have been sustained in the past, are continuing, and will continue in the future.

WHEREFORE, JANE DOE demands judgment against JOHAN A. SANTANA for relief including monetary and all other damages cognizable at law, costs of this action, interest, and upon amendment as indicated below, for punitive damages, as well as such other and further legal and equitable relief as the Court deems just under the circumstances.

STATEMENT OF INTENT REGARDING PUNITIVE DAMAGES

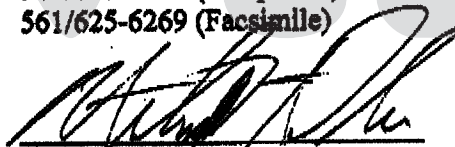
In order to facilitate discovery in this action, JANE DOE states her intent pursuant to Florida Statutes section 768.72 to move to amend this Complaint to assert a claim for punitive damages upon presentation of record evidence showing a reasonable basis for a finding that the wrongful and intentional course of conduct of JOHAN A. SANTANA as more particularly described herein, was willful, wanton, gross, and malicious, and therefore that in order to punish the Defendant and deter him as well as others not parties to this action from undertaking, engaging in, and/or continuing such wrongful, intentional, and malicious conduct in the future, JANE DOE is entitled to an award of punitive damages.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable.

Respectfully submitted this 9 day of August, 2010.

**SLAWSON, CUNNINGHAM, WHALEN
& GASPARI**
Attorneys for Plaintiff
2401 PGA Boulevard, Suite 140
Palm Beach Gardens, Florida 33410
561/625-6260 (Telephone)
561/625-6269 (Facsimile)



Michael T. Dolce
Florida Bar No. 048445