

STATE OF SOUTH CAROLINA,)
)
COUNTY OF RICHLAND)
)
DAWN M. STALEY,)
)
Plaintiff,)
)
vs.)
)
JIM STERK,)
)
Defendant.)

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO. 2018-CP-40-

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Columbia, South Carolina

Dated: February 22, 2018



Plaintiff/Attorney for Plaintiff

Address: Bowers Law Office LL

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)	FIFTH JUDICIAL CIRCUIT
Dawn M. Staley,)	Civil Action No. 2018-CP-40-
)	
Plaintiff,)	
)	<u>COMPLAINT</u>
vs.)	(JURY TRIAL REQUESTED)
)	
Jim Sterk,)	
)	
Defendant.)	

Plaintiff Dawn M. Staley hereby files this Complaint against Defendant Jim Sterk and alleges as follows:

PARTIES

1. Plaintiff Dawn M. Staley is the Head Coach of the University of South Carolina (USC) women's basketball team and is a citizen and resident of Richland County, South Carolina.

2. Defendant Jim Sterk is the Director of Athletics for the University of Missouri and upon information and belief is a resident of the State of Missouri.

JURISDICTION AND VENUE

3. Personal jurisdiction over Defendant is proper pursuant to the South Carolina Long-Arm Statute, S.C. Code Ann. § 36-2-803. Defendant's tortious and defamatory statements regarding Plaintiff were published and broadcast in this State, the collegiate basketball game where the events that gave rise to Defendant's defamatory statements occurred in this State, and Defendant attended the game in question as part of his duties as Director of Athletics for the University of Missouri, thereby transacting business in this State and voluntarily submitting himself to the personal jurisdiction of this

Court. Moreover, the matter in controversy here does not exceed the sum or value of seventy-five thousand dollars (\$75,000.00), exclusive of interests and costs. Venue is also properly in this Court.

BACKGROUND AND FACTUAL ALLEGATIONS

4. Plaintiff Dawn M. Staley is recognized as one of the most respected and decorated participants in the history of United States women's basketball. Coach Staley is a member of the Naismith Memorial Basketball Hall of Fame, and in 2017 her team won the NCAA National Championship. In addition to her role as the Head Coach of USC's women's basketball team, on March 10, 2017 she was named the head coach of the USA Basketball Women's National Team through 2020. Coach Staley is a three-time college All American, a seven-time WNBA All-Star, a three-time Olympic gold medalist, and she had the prestigious honor of being the flag bearer for the United States in the 2004 Olympic Games Opening Ceremony.

5. Coach Staley is also the president and co-founder of INNERSOLE, a non-profit initiative where she is active in working to provide new sneakers to children who are homeless or otherwise in need.

6. On January 28, 2018, the University of Missouri women's basketball team played a basketball game against USC in Richland County, Columbia, S.C, where Defendant was in attendance. In the aftermath of that game, accusations were made regarding USC fan behavior towards Missouri players during the game, whereupon USC Director of Athletics Ray Tanner conducted an inquiry to determine the veracity of such allegations.

7. In a statement issued on January 30, 2018 following his review and inquiry, Mr. Tanner said there was “no confirmation of the alleged behavior directed at the visiting team by the fans at the game.”

8. Nevertheless, on the same day that his counterpart at USC declared that there was no evidence to support the allegations of abusive conduct towards Missouri players by USC fans, Defendant made the following public statement in an interview with KTGR radio:

“It wasn’t a great atmosphere. It was really kind of unhealthy, if you will. We had our players spit on, and called the N-word, and things like that. It was not a good environment and unfortunately, I think Coach Staley promoted that kind of atmosphere, and it’s unfortunate that she felt she had to do that.”

9. Defendant’s statement that Coach Staley intentionally promoted a hostile and negative atmosphere designed to incite riotous conduct at a college basketball game in which her team was participating was false, defamatory, reckless and made with actual malice in that Defendant knew that his statement was false and still made it with a reckless disregard for the truth.

10. On or about January 31, 2018, Defendant’s statement was published not only in this State but nationally as well via media outlets such as ESPN, the Washington Post, and the New York Daily News.

11. Public reaction to Defendant’s slanderous comments regarding Coach Staley was swift and fierce. ESPN analyst LaChina Robinson stated “In legal terms this is called slander. To say that Dawn Staley promoted this type of atmosphere is beyond belief, in fact it’s ridiculous. I am sure there will be ‘investigations’ into this (and) once Dawn’s name is cleared AD Sterk owes her a public apology, at the very least.”

12. The website womenshoopsworld.com stated "It's ignorant of Dawn Staley's legacy as a player, and now a coach, to suggest she incited a hostile environment."

13. ESPNW reporter Mechelle Voepel, who has covered women's college basketball for over 28 years, had this to say regarding Defendant and his comments: "You make a remark about not just South Carolina's coach but the national team coach of our country and a three-time Olympian, somebody who was the Olympic flag bearer, that's a serious allegation against her....you're the leader of your athletic department. I graduated from Missouri and I'm embarrassed about it. I don't think you can allow an athletic department head to say something like that and just let it go."

14. On February 1, 2018, in apparent ignorance of the outcry from the women's college basketball world in response to the false and defamatory statements he made about Coach Staley, Defendant participated in a radio interview with 101 ESPN in St. Louis, Missouri, where he was given a second chance to speak publicly about his defamatory statement regarding Coach Staley. Instead of issuing a public apology or retracting his statement, Defendant made the following comment, which was also published in this State and nationally:

"I don't mean to dodge on any of this at all. We've moved on, we've got a great game against Mississippi State tonight, the number two team in the country. And kind of in the words of that famous philosopher Forrest Gump, that's about all I've got to say about that."

FOR A FIRST CAUSE OF ACTION
(Defamation/Slander *Per Se*)

15. Each and every allegation above is re-alleged herein as if repeated verbatim.

16. The Defendant defamed Coach Staley by orally publishing to third parties that Coach Staley willfully and intentionally created an atmosphere at a college basketball game designed to incite riotous conduct and behavior by players and fans alike, which is false. More specifically, the Defendant falsely accused Coach Staley of promoting an atmosphere of racism and physical assaults against the Missouri fan base. Despite being given multiple opportunities to publicly retract those allegations, the Defendant has refused to do so, only further promoting and suggesting veracity in his patently false allegations.

17. Because the Defendant will not retract the slanderous allegations and has flatly refused to admit the falsity of the same, Coach Staley has no choice but to bring this action to clear her good name and excellent reputation, along with the reputation of the South Carolina fan base who were also falsely impugned and maligned by the Defendant's false comments.

18. The Defendant's false and defamatory statements are slander *per se* in that they were designed to suggest that Coach Staley is unfit or unable to properly perform her duties in her chosen occupation. Further, the defamatory statements imply Coach Staley engaged in the offensive behavior while in the course and scope of her duties as the head women's basketball coach at USC.

19. The Defendant's publication of his statement about Coach Staley injure her reputation and was made with actual malice and with knowledge that it was false or with reckless disregard for the truth.

20. Such publication was made without justification or privilege.

21. As a direct and proximate result of the defamation alleged herein, Defendant has caused and is liable for severe and continuing injury to Coach Staley's reputation, and she is entitled to actual, compensatory and punitive damages against Defendant, not to exceed the sum or value of seventy-five thousand dollars (\$75,000.00), exclusive of interests and costs.

FOR A SECOND CAUSE OF ACTION
(Negligence)

22. Each and every allegation above is re-alleged herein as if repeated verbatim.

23. Defendant was negligent, careless, reckless and willfully acted with actual malice in that he had a duty to ensure the truthfulness of his statement but he knew his statement was false and nevertheless acted with reckless disregard for the truth by publishing his statement to third parties.

24. Coach Staley was injured by Defendant's negligence and reckless disregard for the truth, and Defendant's negligence was the direct and proximate cause of damages and harm to her reputation.

25. As a direct and proximate result of the defamation alleged herein, Defendant has caused and is liable for severe and continuing injury to Coach Staley's reputation, and she is entitled to actual, compensatory and punitive damages against Defendant, not to exceed the sum or value of seventy-five thousand dollars (\$75,000.00), exclusive of interests and costs.

PRAYER FOR RELIEF

WHEREFORE, Coach Staley prays that this Honorable Court enter an award and judgment against the Defendant for all causes of action and for all damages caused thereby and as alleged herein above, not to exceed the sum or value of seventy-five thousand dollars (\$75,000.00), exclusive of interests and costs. Plaintiff further prays for costs and attorney's fees against the Defendant and any such other and further relief as the Court may deem just and proper.

BOWERS LAW OFFICE LLC

By: *Butch Bowers*
Karl S. Bowers, Jr.



FAYSSOUX & LANDIS, P.A.

[Signature]
James W. Fayssoux, Jr.
Paul S. Landis



Attorneys for Coach Dawn M. Staley

February 22, 2018
Columbia, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

DAWN M. STALEY,)

Plaintiff,)

vs.)

JIM STERK,)

Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2018-CP-40-

CERTIFICATE OF SERVICE

I, Gwen R. Kittrell, with Bowers Law Office, LLC, do hereby certify and say that I have, on this the 22nd day of February 2018, served the foregoing documents in the above-captioned action by depositing the same in the United States Mail, first class, certified-return receipt requested, postage prepaid, with the return address clearly noted, addressed as follows:

Attorney for Defendant

Paul R. Maguffee, Esquire
Office of the General Counsel

BOWERS LAW OFFICE LLC

By: _____

Gwen R. Kittrell for

Karl S. Bowers, Jr.

