

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF LOUISA

SHARON D. LOVE ADMINISTRATOR OF THE )  
ESTATE OF YEARDLEY R. LOVE, DECEASED, )

Plaintiff, )

v. )

THE COMMONWEALTH OF VIRGINIA, )

DOM STARSIA, )

MARC VAN ARSDALE, and )

CRAIG LITTLEPAGE, )

Defendants. )

Case No.: CL12-181

COMPLAINT

COMES NOW the plaintiff, Sharon D. Love, Administrator of the Estate of Yeardeley R. Love, Deceased, and for her Complaint against the Commonwealth of Virginia, Dom Starsia, Marc Van Arsdale, and Craig Littlepage, jointly and/or severally, states as follows:

PARTIES

1. The plaintiff is Sharon D. Love, who qualified as Administrator of the Estate of Yeardeley R. Love, Deceased, in the Circuit Court of the City of Charlottesville, Virginia.
2. The statutory beneficiaries of the Estate of Yeardeley R. Love are her mother, Sharon D. Love, and her sister, Alexis D. Love.

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3. The defendant, the Commonwealth of Virginia, operates the University of Virginia (UVA and the Commonwealth of Virginia are referred herein as "UVA") and is liable to the plaintiff pursuant to the Virginia Tort Claims Act and as the employer of its agents and employees who acted negligently and/or grossly negligently.

4. The defendant, Dom Starsia ("Starsia"), was at all times relevant hereto, the Head Men's Lacrosse Coach at UVA.

5. The defendant, Marc Van Arsdale ("Van Arsdale"), was at all times relevant hereto, the Associate Head Men's Lacrosse Coach at UVA.

6. The defendant, Craig Littlepage ("Littlepage"), was at all times relevant hereto, the Director of Athletics at UVA.

### **BACKGROUND FACTS**

7. At all times relevant hereto, George W. Huguely, V, ("Huguely"), was a student at UVA, and a member of the men's varsity lacrosse team from approximately 2006 – 2010.

8. In 2007, Huguely was charged and convicted of possession of alcohol by a minor.

9. Subsequent to Huguely's alcohol offense in 2007, no action was taken by anyone at UVA to discipline Huguely, to suspend or remove Huguely from the lacrosse team, or to refer Huguely for treatment or counseling for alcohol abuse.

10. In November, 2008, Huguely was charged and later convicted, of public intoxication and swearing and resisting arrest, in Lexington, Virginia, when Huguely

shouted obscenities at a female police officer and became violent with her, requiring the officer to taser Huguely in order to physically subdue him.

11. As a result of Huguely's conviction of the charges specified in Paragraph 10 above, the Lexington/Rockbridge County, Virginia General District Court on January 20, 2009, ordered that Huguely be placed on supervised probation for 6 months, ordered Huguely to complete 50 hours of supervised community service, and ordered Huguely to be assessed for alcohol/substance abuse and to monitor compliance of treatment recommended for Huguely.

12. Subsequent to Huguely's alcohol, obscenity, and resisting arrest conviction in 2009, no action was taken by Starsia, Van Arsdale, Littlepage, or anyone at UVA to discipline Huguely, to suspend or remove Huguely from the lacrosse team, to refer Huguely for treatment or counseling for alcohol/substance abuse or anger/aggressive behavior management, or to subsequently report Huguely's potential risk of violence pursuant to the UVA Policy on Preventing and Addressing Threats or Acts of Violence.

13. In the Spring of 2009, Huguely, while intoxicated, viciously attacked a fellow varsity lacrosse team member ("the teammate"), while the teammate was asleep in his bed, when Huguely was in a rage after learning that the teammate had been seen with Huguely's girlfriend at the time, Yeardley R. Love ("Love"), a UVA varsity women's team lacrosse player, which attack by Huguely caused severe bruising and injuries to the teammate.

14. Subsequent to the attack described in Paragraph 12, Starsia and/or Van Arsdale talked to both players, Huguely and the teammate, together about the attack and

then Starsia and/or Van Arsdale had a subsequent, separate talk with the teammate about the attack.

15. The teammate was also seen by a lacrosse team trainer, who advised the teammate to seek medical attention for his injuries.

16. The teammate did seek medical attention for his injuries, having suffered a concussion.

17. Subsequent to Huguely's attack on the teammate in the Spring of 2009, no action was taken by Starsia, Van Arsdale, Littlepage, or anyone at UVA to suspend or remove Huguely from the lacrosse team, to refer Huguely for treatment or counseling for alcohol/substance abuse or anger/aggressive behavior management, or to subsequently report Huguely's potential risk of violence pursuant to the UVA Policy on Preventing and Addressing Threats or Acts of Violence.

18. Throughout 2009, Huguely's alcohol consumption and abuse increasingly continued.

19. Throughout 2009, notwithstanding Huguely's increasing alcohol abuse, no action was taken by Starsia, Van Arsdale, Littlepage, or anyone at UVA to suspend or remove Huguely from the lacrosse team, to refer Huguely for treatment or counseling for alcohol/substance abuse or anger/aggressive behavior management, or to report Huguely's potential risk of violence pursuant to the UVA Policy on Preventing and Addressing Threats or Acts of Violence.

20. In May, 2009, another varsity lacrosse player, who sparingly played, was arrested for driving while intoxicated, and as a result of his arrest, was suspended from the team by Starsia and/or Van Arsdale and/or Littlepage for his alcohol related offense.

21. Although Starsia and/or Van Arsdale and/or Littlepage suspended the sparingly played lacrosse player from the lacrosse team for his alcohol related arrest, no action was taken by Starsia, Van Arsdale, Littlepage, or anyone at UVA to discipline Huguely for his multiple alcohol related offenses and alcohol abuse, as well as his violent behavior, or to suspend or remove Huguely from the lacrosse team, or to report Huguely's potential risk of violence pursuant to the UVA Policy on Preventing and Addressing Threats or Acts of Violence.

22. Huguely also had other incidents of violence and rage, including, but not limited to, a physical attack on a young woman, also a UVA student, whom Huguely accused of telling her father, Huguely's former high school lacrosse coach, about his chronic intoxication and rage, and a physical attack on a UVA varsity tennis player who was walking with Love on a street on or near UVA's campus.

23. In the early Spring of 2010, while at a party attended by multiple lacrosse team members at Huguely's apartment, Huguely, while intoxicated, violently choked Love, until such time when others, including a University of North Carolina lacrosse player, came into the room where Huguely was in the act of choking Love.

24. Subsequent to Huguely's choking attack on Love in the Spring of 2010, no action was taken by Starsia, Van Arsdale, Littlepage, or anyone at UVA to discipline Huguely, to suspend or remove Huguely from the lacrosse team, to refer Huguely for treatment or counseling for alcohol/substance abuse or anger/aggressive behavior management, or to report Huguely's potential risk of violence pursuant to the UVA Policy on Preventing and Addressing Threats or Acts of Violence.



25. Throughout the Spring of 2010, Huguely's alcohol consumption and abuse increased to an almost daily basis, as did his erratic and aggressive behavior.

26. Love ended her relationship with Huguely, primarily because of his alcohol abuse and erratic and aggressive behavior.

27. Subsequent to Love ending her relationship with Huguely, Huguely's obsessive behavior regarding Love increasingly continued.

28. It was well known to the players and coaches on the UVA men's and women's lacrosse teams that Huguely's alcohol abuse and erratic, aggressive behavior was increasingly getting out of control, especially his obsession with Love and his aggressiveness and threats to Love.

29. By the end of April, 2010, several acquaintances of Huguely's, including fellow UVA lacrosse team players, were planning an intervention with Huguely because of his out-of-control alcohol abuse, and his erratic and aggressive behavior.

30. Notwithstanding Huguely's out-of-control alcohol abuse, erratic and aggressive behavior, and notwithstanding the fact that the lacrosse team members, themselves, were planning an intervention with Huguely, no action was taken by Starsia, Van Arsdale, Littlepage, or anyone at UVA to discipline Huguely, to suspend or remove Huguely from the lacrosse team, to refer Huguely for treatment or counseling for alcohol/substance abuse or anger/aggressive behavior management, or to report Huguely's potential risk of violence pursuant to the UVA Policy on Preventing and Addressing Threats or Acts of Violence.

31. On approximately May 1, 2010, at a restaurant in Charlottesville, attended by members of the UVA men's and women's lacrosse teams and their parents, Huguely, accompanied by his father, encountered Love and rudely directed obscenities to her.

32. The following day, May 2, 2010, Huguely and his father participated in a golf outing for the UVA's men's lacrosse team at Wintergreen Resort.

33. Huguely became extremely intoxicated at the lacrosse team golf outing, to the point that he even had several whiffs of the golf ball, was boisterous, and displayed erratic behavior.

34. No action was taken by Starsia, Van Arsdale, Littlepage, or anyone else from UVA to discipline Huguely, to suspend or remove Huguely from the lacrosse team, to refer Huguely for treatment or counseling for alcohol/substance abuse or anger/aggressive behavior management, or to report Huguely's potential risk of violence pursuant to the UVA Policy on Preventing and Addressing Threats or Acts of Violence, or to warn and/or protect Love.

35. After leaving the lacrosse team golf outing, Huguely returned to Charlottesville, where he continued his alcohol consumption.

36. Later that evening, in the late hours of May 2, 2010 and/or the early hours of May 3, 2010, Huguely, who was intoxicated and raging, engaged in a physical altercation with Love at her apartment, which altercation was conducted by Huguely in a fashion very similar to Huguely's prior incident with the teammate, resulting in severe injuries to Love from which she died.

37. At no time prior to Love's death did Starsia, Van Arsdale, Littlepage, or anyone at UVA take any action: to discipline Huguely, to suspend or terminate Huguely

from the lacrosse team or from the University, to refer Huguely for treatment or counseling for anger/aggressive behavior management, or to report Huguely's potential risk of violence pursuant to the UVA Policy on Preventing and Addressing Threats or Acts of Violence, or to warn and/or protect Love.

38. UVA had policies, procedures, processes, and/or protocols in place which would allow the suspension or termination of a student exhibiting behavior such as that exhibited by Huguely, or condition his continued attendance at UVA and/or participation on the UVA varsity lacrosse team on Huguely's attendance at treatment or counseling for alcohol/substance abuse or anger/aggressive behavior management or other treatment. However, at no time did Starsia, Van Arsdale, Littlepage, or anyone at UVA take such actions as to Huguely.

39. At the time of her death, Love was 22 years of age, and pursuant to the Code of Life Expectancy, Virginia Code Section 8.01-419, she had a life expectancy of 58.9 years. Plaintiff brings this lawsuit seeking damages in the sum of \$29,450,000.

#### **COUNT ONE – NEGLIGENCE OF THE COMMONWEALTH OF VIRGINIA**

40. UVA and its employees, officers, and agents had a duty to protect and keep its students safe.

41. UVA and its employees, officers and agents had a special relationship with its students, including Yeardley Love, giving rise to a duty of reasonable care to protect and/or warn its students from reasonably foreseeable dangers.

42. UVA and its employees, officers, and agents had a duty to act with due



care in performing such services and actions that were undertaken by UVA and its employees, officers, and agents and as such, had a duty to act with due care as to Huguely.

43. UVA and its employees, officers, and agents had a duty in light of all of the circumstances surrounding Huguely and the danger he posed to Love and others to protect and/or warn UVA students, including and especially Love, from reasonable risks of harm by Huguely.

44. UVA and its employees, officers, and agents had a duty pursuant to the UVA Policy on Preventing and Addressing Threats or Acts of Violence to report Huguely's potential risk of violence, especially his potential risk of violence to Love.

45. UVA and its employees, officers, and agents were negligent, and/or grossly negligent, and/or acted with reckless disregard and reckless indifference.

46. As a direct and proximate result of the negligence and/or gross negligence, and/or actions with reckless disregard and reckless indifference of UVA and its employees, officers, and agents, Yeardeley Love died, and her mother, Sharon D. Love, and her sister, Alexis D. Love, have suffered damages as set forth hereinafter.

#### **COUNT TWO – NEGLIGENCE AND GROSS NEGLIGENCE OF DOM STARSIA**

47. All proceeding paragraphs are incorporated herein.

48. As the UVA head lacrosse coach, Starsia had a special relationship and/or was in a position because of all of the circumstances, such that he owed a duty to protect UVA students from reasonable risks of harm by Huguely, including Love.

49. As the UVA head lacrosse coach, Starsia had a special relationship and/or was in a position because of all of the circumstances, such that he owed a duty to protect

Love from the reasonable risks of harm by Huguely insofar as the risk of foreseeable danger to Love by Huguely was even greater than other UVA students because of Huguely's prior actions and jealousies surrounding Love.

50. Starsia had a duty to act with due care in performing such services and actions that were undertaken by him, and as such, had a duty to act with due care as to Huguely.

51. Starsia had a duty in light of all of the circumstances surrounding Huguely and the danger he posed to Love and others to take reasonable actions to require that Huguely be evaluated and treated for his alcohol abuse and his violent behavior and/or to take such further actions to prevent Huguely from causing harm or violence to others, including and especially Love.

52. Starsia had a duty pursuant to the UVA Policy on Preventing and Addressing Threats or Acts of Violence to report Huguely's potential risk of violence, especially his potential risk of violence to Love.

53. Starsia was: (a) negligent in his actions and failures to act; (b) negligent in the performance of ministerial duties; and (c) grossly negligent, insofar as his conduct constituted an utter disregard of caution amounting to a complete neglect of the safety of Love.

54. As a direct and proximate result of the negligence and gross negligence of Starsia, Yeardley Love died, and her mother, Sharon D. Love, and her sister, Alexis D. Love, have suffered damages as set forth hereinafter.

### COUNT THREE – NEGLIGENCE AND GROSS NEGLIGENCE

OF MARC VAN ARSDALE

55. All proceeding paragraphs are incorporated herein.

56. As the UVA associate head lacrosse coach, Van Arsdale had a special relationship and/or was in a position because of all of the circumstances, such that he owed a duty to protect UVA students from reasonable risks of harm by Huguely, including Love.

57. As the UVA associate head lacrosse coach, Van Arsdale had a special relationship and/or was in a position because of all of the circumstances, such that he owed a duty to protect Love from the reasonable risks of harm by Huguely insofar as the risk of foreseeable danger to Love by Huguely was even greater than other UVA students because of Huguely's prior actions and jealousies surrounding Love.

58. Van Arsdale had a duty to act with due care in performing such services and actions that were undertaken by him, and as such, had a duty to act with due care as to Huguely.

59. Van Arsdale had a duty in light of all of the circumstances surrounding Huguely and the danger he posed to Love and others to take reasonable actions to require that Huguely be evaluated and treated for his alcohol abuse and his violent behavior and/or to take such further actions to prevent Huguely from causing harm or violence to others, including and especially Love.

60. Van Arsdale had a duty pursuant to the UVA Policy on Preventing and Addressing Threats or Acts of Violence to report Huguely's potential risk of violence, especially his potential risk of violence to Love.

61. Van Arsdale was: (a) negligent in his actions and failures to act;

(b) negligent in the performance of ministerial duties; and (c) grossly negligent, insofar as his conduct constituted an utter disregard of caution amounting to a complete neglect of the safety of Love.

62. As a direct and proximate result of the negligence and gross negligence of Van Arsdale, Yeardeley Love died, and her mother, Sharon D. Love, and her sister, Alexis D. Love, have suffered damages as set forth hereinafter.

**COUNT FOUR – NEGLIGENCE AND GROSS NEGLIGENCE**

**OF CRAIG LITTLEPAGE**

63. All proceeding paragraphs are incorporated herein.

64. As the UVA Director of Athletics, Littlepage had a special relationship and/or was in a position because of all of the circumstances, such that he owed a duty to protect UVA students from reasonable risks of harm by Huguely, including Love.

65. As the UVA Director of Athletics, Littlepage had a special relationship and/or was in a position because of all of the circumstances, such that he owed a duty to protect Love from the reasonable risks of harm by Huguely insofar as the risk of foreseeable danger to Love by Huguely was even greater than other UVA students because of Huguely's prior actions and jealousies surrounding Love.

66. Littlepage had a duty to act with due care in performing such services and actions that were undertaken by him, and as such, had a duty to act with due care as to Huguely.

67. Littlepage had a duty in light of all of the circumstances surrounding Huguely and the danger he posed to Love and others to take reasonable actions to require that Huguely be evaluated and treated for his alcohol abuse and his violent behavior and/or



to take such further actions to prevent Huguely from causing harm or violence to others, including and especially Love.

68. Littlepage had a duty pursuant to the UVA Policy on Preventing and Addressing Threats or Acts of Violence to report Huguely's potential risk of violence, especially his potential risk of violence to Love.

69. Littlepage was: (a) negligent in his actions and failures to act; (b) negligent in the performance of ministerial duties; and (c) grossly negligent, insofar as his conduct constituted an utter disregard of caution amounting to a complete neglect of the safety of Love.

70. As a direct and proximate result of the negligence and gross negligence of Littlepage, Yeardeley Love died, and her mother, Sharon D. Love, and her sister, Alexis D. Love, have suffered damages as set forth hereinafter.

**COUNT FIVE – LIABILITY OF THE COMMONWEALTH OF VIRGINIA FOR  
THE NEGLIGENCE AND GROSS NEGLIGENCE OF STARSIA,  
VAN ARSDALE, AND/OR LITTLEPAGE**

71. All proceeding paragraphs are incorporated herein.

72. At all times relevant hereto, Starsia, Van Arsdale, and Littlepage were, each, employees of UVA, acting within the scope of their employment, such that UVA is liable for the negligence and gross negligence of Starsia and/or Van Arsdale and/or Littlepage.

73. As a direct and proximate result of UVA's liability for the negligence and gross negligence of Starsia and/or Van Arsdale and/or Littlepage, Yeardeley Love died, and her mother, Sharon D. Love, and her sister, Alexis D. Love, have suffered damages as set forth hereinafter.

### DAMAGES

74. All proceeding paragraphs are incorporated herein.

75. As a direct and proximate result of the negligence of the Commonwealth of Virginia, as set forth in Count One, and/or the negligence and gross negligence of Dom Starsia as set forth in Count Two, and/or the negligence and gross negligence of Marc Van Arsdale, as set forth in Count Three, and/or the negligence and gross negligence of Craig Littlepage, as set forth in Count Four, and/or the liability of the Commonwealth of Virginia for the negligence and gross negligence of Starsia and/or Van Arsdale and/or Littlepage, as set forth in Count Five, Love died and the statutory beneficiaries of Love, Love's mother, Sharon D. Love, and her sister, Alexis D. Love, have suffered the following damages: sorrow, mental anguish, and loss of solace, which may include society, companionship, comfort, guidance, kindly offices, and advice of the decedent; reasonably expected loss of income of the decedent; reasonably expected loss of services, protection, care, and assistance of the decedent; reasonable funeral and burial expenses; and have otherwise been damaged and suffered harm and loss.

### MISCELLANEOUS


76. Trial by jury is demanded.

77. Plaintiff reserves her right to amend these pleadings as necessitated by discovery.

WHEREFORE, the plaintiff, Sharon D. Love, Administrator of the Estate of Yeardley R. Love, Deceased, respectfully prays for judgment and an award of execution,

against the defendants, the Commonwealth of Virginia, Dom Starsia, Marc Van Arsdale, and Craig Littlepage, jointly and/or severally, in the sum of \$29,450,000, in compensatory damages, plus interest, pursuant to Virginia Code §8.01-382, her costs, and if applicable, attorney fees, and for such further relief as is necessary and proper.

Sharon D. Love, Administrator of the  
Estate of Yeardeley R. Love, Deceased



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