

**COMMONWEALTH OF KENTUCKY  
8<sup>th</sup> JUDICIAL CIRCUIT  
WARREN COUNTY CIRCUIT COURT  
CIVIL ACTION NO. 23-CI-00114**

*J*

**ELOISE HOUSE**

**PLAINTIFF**

**V.**

**QUANDELL LAMONT CROWE**

**and**

**WESTERN KENTUCKY UNIVERSITY**

**and**

**TIMOTHY CABONI,  
President of Western Kentucky University**

**and**

**DANIEL CAMERON,  
Commonwealth of Kentucky Attorney General,**

**DEFENDANTS**

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**PLAINTIFF'S FIRST AMENDED AND RESTATED COMPLAINT**

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PLAINTIFF, Eloise House, by counsel, files this Complaint against Defendants, Quandell Lamont Crowe ("Crowe") and Western Kentucky University ("WKU"), Timothy Caboni ("Caboni") and Daniel Cameron, Commonwealth of Kentucky Attorney General ("Daniel") (collectively, "Defendants"), and states as follows:

**INTRODUCTION**

1. This is an action for actual damages, statutory damages, and punitive damages brought by Plaintiff against Defendants for malicious, willful, knowing, and/or negligent actions,

including, without limitation, negligence, false imprisonment, assault and battery, and negligent infliction of emotional distress.

2. Defendants violated Plaintiff's rights and injured Plaintiff.

### **PARTIES**

3. Plaintiff, Eloise House, is an individual and citizen of the Commonwealth of Kentucky.
4. Plaintiff is a private citizen and student of Defendant, WKU.
5. Defendant, Crowe, is a private citizen, and to the best of Plaintiff's knowledge and belief, resides in Bowling Green, Warren County, Kentucky.
6. WKU, is an extension of the Commonwealth of Kentucky and operates as a public educational institution of higher learning, and is located in Bowling Green, Warren County, Kentucky.
7. Defendant, Timothy Caboni is the President of Western Kentucky University.
8. Defendant, Daniel Cameron, is the Attorney General of the Commonwealth of Kentucky.
9. All Defendants aforementioned are extensions of the Commonwealth of Kentucky.

### **JURISDICTION AND VENUE**

10. This Court has jurisdiction over this matter pursuant to Kentucky Revised Statutes Chapter 23A, because the amount in damages exceed the jurisdictional limits of this Court **and** because the actions relevant to this matter occurred in Bowling Green, Warren County, Kentucky.
11. Venue is proper in this Court, because Defendants live and transact business in Bowling Green, Warren County, Kentucky; and the relevant conduct occurred in Bowling Green, Warren County, Kentucky.

**COUNT ONE**  
**NEGLIGENCE**

12. Plaintiff began attending WKU on January 18, 2022.
13. Defendant Crowe, at all relevant times to this civil action, was not a student and/or staff member of WKU.
14. On November 26, 2012, when Defendant Crowe was 20 years old, he was charged with a misdemeanor possession of Marijuana in Warren District Court Case No. 12-M-03417.
15. Defendant Crowe pled guilty on January 14, 2014, to the aforementioned charge, and his forty-five (45) day sentence was suspended, with the imposition of twelve (12) months of unsupervised probation and a \$25.00 fine.
16. At the age of 25, Defendant Crowe was arrested and charged with assault in the fourth degree (**domestic violence**) on June 28, 2018, by the Cave City Police Department.
17. A bench warrant for Defendant Crowe's failure to appear was issued by the Barren District Court in Case No. 18-M-00702 on June 20, 2019.
18. Defendant Crowe was subsequently arrested for failing to appear, and his arraignment was set for October 28, 2019.
19. Defendant Crowe received a sentence of diversion in Barren District Court for the aforementioned charges on December 10, 2019.
20. The case was scheduled for review on August 6, 2020, and again on September 10, 2020, regarding **domestic violence** counseling.
21. Defendant Crowe had not contacted You Turn, the assigned **domestic violence** counseling center assigned to Defendant Crowe.
22. A subsequent hearing in the same case was held December 08, 2020, and You Turn had contacted the Court via letter, indicating that the counseling wasn't working.

23. Another review was scheduled on January 4, 2021, but You Turn had been unable to admit Defendant Crowe thus far into their counseling program, as Defendant Crowe denied responsibility for his actions.
24. A subsequent hearing was held February 01, 2021, and then two (2) pre-trial conferences were scheduled for March 08, 2021, and March 15, 2021, respectfully.
25. A subsequent review was scheduled for June 10, 2021, when You Turn filed a violation and Defendant Crowe was arrested for his non-compliance with the **domestic violence** program.
26. At the July 12, 2021, review, the Court found that the diversion program for Defendant Crowe's **domestic violence** charges did not work.
27. A subsequent review was held on September 13, 2021, whereupon Crowe was ordered to complete anger management.
28. A show cause hearing was held on November 14, 2021, as well as December 13, 2021, regarding completion of anger management by Crowe.
29. Based upon available information, Crowe did not complete domestic violence counseling or anger management as ordered by the Court.
30. On March 14, 2022, at the last show cause hearing, the Court scheduled another show cause hearing for June 06, 2022.
31. On June 04, 2019, in Warren District Court Case No. 19-M-01556, Defendant Crowe was charged with misdemeanor possession of Marijuana and drug paraphernalia.
32. Both of the aforementioned charges were dismissed on May 20, 2021, without trial, and Defendant Crowe was ordered to complete ten (10) hours of community service by June 26, 2019.

33. There was a Notice of Non-Compliance on December 10, 2020; an Order to Show Cause on December 16, 2020; and approximately two (2) years later, a Certificate of Performance of Community Labor was filed in the record on May 20, 2021.
34. The very next day, May 21, 2021, Defendant Crowe was charged with no/expired registration plates and possession of Marijuana in Warren District Court Case No. 21-M-01065
35. Defendant Crowe failed to appear for his arraignment on June 15, 2021, and a review was scheduled for July 06, 2021.
36. Pretrial Conferences were scheduled for November 9, 2021, and January 11, 2022, respectively.
37. On January 11, 2022, the no/expired registration plates charge was diverted, and the possession of Marijuana charge was dismissed.
38. Diversion completion is scheduled for January 31, 2023, and there is no indication that diversion has been completed by him at this time.
39. On November 19, 2021, Brooklyn Mays and her mother, Mary Taylor, requested assistance from WKU Police headquarters, stating that she was not receiving any help from housing and residence life regarding an issue with her roommate at Munday Hall.
40. Ultimately, Brooklyn Mays requested assistance from WKU's Police Department to report an issue with her roommate, Nekayah Gray, and her boyfriend, Defendant Crowe.
41. Brooklyn Mays lived in Munday Hall at the time of the Complaint to WKU Police Department.

42. Brooklyn Mays stated that Defendant Crowe was living inside her dorm room in Munday Hall without being a student of WKU, had a handgun, and was trafficking Marijuana, and that Marijuana was located inside her dorm room.
43. After WKU police officers failed to make Defendant Crowe leave WKU's campus, Brooklyn Mays again contacted WKU's Police Department, stating that Defendant Crowe was back inside of her dorm room and that she and her mother would be waiting to speak with an officer in the lobby of Munday Hall.
44. WKU Officers arrived at Munday Hall but were denied consent to search the room.
45. Defendant Crowe told the WKU officers that he had a firearm in his parked vehicle.
46. A WKU officer then went with Defendant Crowe to his vehicle to confirm that the firearm was in the vehicle.
47. Possession of a firearm is strictly prohibited on any property owned, leased, operated or controlled by WKU, including WKU housing, and the owner of a private vehicle is prohibited from possessing or storing a weapon in a vehicle while it is operated or parked on WKU property, including WKU parking areas, either on-campus or at any off-campus facility owned, leased, or operated by WKU.
48. Defendant Crowe was not cited by the WKU police officers or asked to leave WKU's campus or even Munday Hall.
49. Mary Taylor visited WKU's campus and visited several WKU offices there and talked to several WKU employees there without any success regarding the concerns of her daughter, Brooklyn Mays, and Defendant Crowe.
50. Despite Mary Taylor's persistence, no action was taken by WKU or its employees.

51. On January 27, 2022, at approximately 2:30 a.m., EST, after WKU personnel assigned Plaintiff as Nekayah Gray's roommate, despite knowing the facts and without advising Plaintiff about this previous incident, Defendant Crowe assaulted Plaintiff in her dorm room in Munday Hall on WKU campus.
52. Defendant Crowe was escorted off WKU campus and charged with fourth degree assault.
53. His arraignment was scheduled for February 21, 2022, in Warren District Case No. 22-M-00171, and Defendant Crowe pled not guilty.
54. His criminal case has been scheduled for a pre-trial conference on March 29, 2022; May 13, 2022; June 20, 2022; August 23, 2022; November 09, 2022; December 05, 2022; and January 25, 2023.
55. WKU had a duty to protect Plaintiff, a student, housed in a dormitory on WKU's campus.
56. WKU failed to perform that duty despite numerous warning signs that Defendant Crowe, a dangerous individual with a criminal record and a history of domestic violence, stayed in Munday Hall on WKU campus property by:
  - a. Negligently failing to perform a background check prior to allowing Defendant Crowe, who has a history of violence, to spend the night in a female student's dormitory room on the WKU campus;
  - b. Negligently failing to inquire about the mental health conditions and status of Defendant Crowe prior to allowing him to spend the night in a dormitory on WKU's campus;
  - c. Negligently failing to seize the handgun in Defendant Crowe's vehicle, which was parked in WKU parking, and charge Defendant Crowe accordingly at that time;

- ii. As WKU refused to allow Plaintiff to reside alone in her dorm room in Munday Hall or any other dorm room without a roommate during the next semester (the first semester of her Sophomore year of college at WKU), Plaintiff felt compelled to request and finally obtained permission from WKU to move into an apartment off-campus for the next semester in the fall of 2022 due to her inability to sleep in the dormitory alone, much less live with another roommate, but still lived in fear and suffered from sleepless nights despite living with her emotional support dog and three female roommates, each having their own separate bedroom; and bathroom with locking doors; and
- iii. As Plaintiff continued to suffer emotionally and mentally as a result of Defendant Crowe's attack on her despite living off-campus with three female roommates, Plaintiff moved back home with her mother and is taking classes on-line during the spring semester of 2023 in order to stay in college but alleviate her mental anguish and distress as much as reasonably possible.

54. WKU maliciously, willfully, and wrongfully neglected their obligation to secure the safety of Plaintiff and enforce security in their dormitory.

55. As a direct and/or proximate result of WKU's knowing, malicious, willful, and wrongful negligence, actions and/or inactions, Plaintiff was assaulted and injured by Defendant Crowe in Munday Hall on WKU's Campus

56. Plaintiff's damages against WKU exceed the jurisdictional limits of this Court



- d. Negligently failing to bar Defendant Crowe from WKU's campus after the first incident with his girlfriend's former roommate regarding him on WKU's campus;
- e. Negligently assigning Plaintiff, a petite five foot tall female, as the next roommate of Defendant Crowe's girlfriend, knowing about the first incident and having been warned by the previous roommate's mother that a petite student should not be assigned to be the next roommate of his girlfriend;
- f. Wrongfully requiring Plaintiff to vacate her dormitory room in the middle of the night, while leaving Defendant Crowe and his girlfriend in Plaintiff's former dormitory room, just as WKU personnel had handled the previous situation involving him;
- g. Negligently allowed Defendant Crowe to remain on WKU's campus, living there, without being a student of WKU, despite his known violent history and history of drug related crimes;
- h. Negligently misled Plaintiff about her safety in Munday Hall while living on WKU's campus;
- i. Negligently allowed Defendant Crowe to brutally assault Plaintiff in Munday Hall on WKU's campus; and
- j. Negligently caused Plaintiff significant emotional distress and mental anguish, by the following action and/or inaction:
  - i. Plaintiff resided in her new WKU dormitory room alone for a couple of months during that semester, until WKU finally approved her dog as an emotional support dog, but still lived in constant fear and was unable to sleep at night due to this incident despite counseling;

66. Plaintiff has a right to be free from the emotional distress caused by others' outrageous conduct.

67. The assault of Plaintiff by Defendant Crowe constituted extreme and outrageous conduct and maliciously and/or intentionally and/or recklessly caused severe emotional distress to Plaintiff.

68. As a direct and/or proximate result of Defendants' outrageous conduct, Plaintiff was injured in an amount in excess of the jurisdictional limits of this Court, continues to be injured and is entitled to both compensatory and punitive damages from Defendants, both jointly and severally, as provided by law.

**COUNT FOUR**  
**FALSE IMPRISONMENT**

69. Plaintiff reincorporates and restates each preceding paragraph in this Complaint as if set forth herein.

70. Plaintiff was deprived of her liberty by Defendant Crowe by virtue of the aforementioned assault, as she was held down, detained, and drug by her hair, which is detention without her consent and against her will by actual violence.

71. The restraint of Plaintiff by Defendant Crowe is and was wrongful, improper, and without a claim of reasonable justification, authority, or privilege.

72. As a direct and/or proximate result of Defendants' false imprisonment, Plaintiff was injured in an amount in excess of the jurisdictional limits of this Court and is entitled to both compensatory and punitive damages from Defendants, jointly and severally, as provided by law.

**COUNT FIVE**  
**ASSAULT AND BATTERY**

73. Plaintiff reincorporates and restates each preceding paragraph in this Complaint as if set forth herein.

74. Defendant Crowe physically assaulted Plaintiff on January 27, 2022.

75. Defendant Crowe was summarily arrested for the aforementioned assault and battery.

76. Plaintiff has sought counseling by a mental health professional for the mental anguish and distress the assault and battery has caused her.

77. As a direct and/or proximate result of the Defendants' actions and/or inaction that led to the assault and battery of Plaintiff, Plaintiff was injured in an amount in excess of the jurisdictional limits of this Court and is entitled to both compensatory and punitive damages from Defendants, jointly and severally, as provided by law.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that this Court:

1. Grant her a judgment against Defendants, jointly and severally, for actual damages, costs, interest, and attorneys' fees;
2. Enjoin Defendants from further violations of law;
3. Award Plaintiff actual damages, statutory damages, compensatory damages, and punitive damages as may be applicable;
4. Any and all other relief that this honorable Court deems just and appropriate.

This, the 3rd day of February, 2023.

Respectfully Submitted,

Stella B. House  
Attorney at Law, P.S.C.

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