

6. Defendant Purdue University Calumet is a State of Indiana school with a campus in Hammond, Indiana.

7. Defendant Eugene DeFelice is a tenured faculty member of Purdue University Calumet and teaches in the Department of History and Political Science.

8. In the fall semester of 2002, Defendant had Professor Gene DeFelice as an instructor for two classes, Political Movements and Democratic Theory. These two classes met only on Mondays and Wednesdays. Plaintiff had Professor DeFelice twice a day on Mondays and Wednesdays. In both of these classes, Political Movements and Democratic Theory, Plaintiff was targeted for individual acts of harassment and intimidation at the hands of Professor DeFelice, through the course of the entire semester. Professor DeFelice has a history of this type of behavior, a history of harassment and intimidation.

9. At the end of the semester, Plaintiff filed a formal complaint of harassment and intimidation against Professor DeFelice on January 8, 2003. In Plaintiff's formal complaint, he cited numerous examples of being individually singled out for acts of harassment and intimidation and provided a list of witnesses who could verify Plaintiff's allegations.

10. Upon submission of Plaintiff's formal complaint, copies were sent to the accused professor, Professor DeFelice, two administrative members of the History and Political Science Department, Dr. Saul Lerner and Daniel Dunn, and to the investigator assigned to investigate this allegation, James Rogers, among others. Approximately two weeks after Plaintiff's complaint was filed, he received a certified letter in the mail on Saturday, January 25, 2003. This certified letter was a formal notification from Defendant alerting Plaintiff of the allegation of "pushing a professor". Specifically, Plaintiff was required to attend a Disciplinary Hearing/Administrative

meeting on January 30, 2003 at 10:00 a.m. to answer for the allegation of "pushing a professor." Failure to do so, as stated in the letter by the University, would result in a number of potential repercussions by the University.

11. On Monday morning, January 27, 2003, Plaintiff went directly to Chancellor Howard Cohen's office to find out what this was about. Chancellor Cohen's secretary denied him any and all information regarding this allegation. In fact, Plaintiff was told that any and all questions would be answered only in the Disciplinary Hearing/Administrative meeting on January 30, 2003. Plaintiff would not be given any information prior to that date. Plaintiff pointed out that this was a violation of his right to due process. Plaintiff spoke directly to the Chief of Campus Police who refused to give him any information or details regarding this allegation and told him specifically that any and all questions would be answered at his Disciplinary Hearing/Administrative meeting that week. Plaintiff then offered the point he made earlier, that this was a direct violation of his right to due process. The Chief of Campus Police then stated that no report/complaint/allegation/or charge was filed in his office for "pushing a professor."

12. When Plaintiff notified Defendant that he wanted to bring an attorney to the Hearing/Administrative meeting, Plaintiff was denied that right. Plaintiff was told that he could not have an attorney present and that if Plaintiff brought one he would have to wait in the hall during plaintiff's interview with the investigator.

13. On January 30, 2003, at 10:00 a.m. Plaintiff met with Sarah Howard, Assistant Dean of Students, who was the investigator in this allegation of "pushing a professor." Howard told him that Professor DeFelice called this allegation into her office, just to notify the administration of

what happened. He refused to put anything in writing about this allegation, provided no evidence (medical or police reports) and provided no witnesses to substantiate his allegation.

14. The incident, told directly to Sarah Howard by Professor DeFelice, supposedly occurred on Monday, December 9, 2003 in the hallway immediately after the first of Plaintiff's two finals with Professor DeFelice that day. Plaintiff told Sarah Howard that it was completely illogical. Plaintiff asked her why a professor who was allegedly "pushed" by a student would allow that same student back in his classroom an hour later to take a second final with the same professor? Plaintiff also asked that if this professor was "pushed" as he alleges, why wasn't the Campus Police notified and waiting at the classroom for the student, especially if the incident was serious enough to report to the administration resulting in his Disciplinary Hearing/Administrative meeting.

15. Plaintiff also asked Sarah Howard, twice, if Professor DeFelice's allegation came before or after plaintiff filed his formal complaint against him. Plaintiff asked this because she took his call. Howard responded twice that Professor DeFelice's allegation came after Plaintiff's formal complaint. Plaintiff told Howard that this seemed to be retaliation for the formal complaint Plaintiff filed against him. Howard responded that it did in fact appear to be a retaliation. That same day, a letter was composed and mailed to Plaintiff dismissing the allegation.

16. Due to the circumstances, that this "allegation" was filed by the same professor that Plaintiff filed a complaint against, DeFelice, that the allegation came after Plaintiff's formal complaint was filed, that DeFelice provided no evidence to substantiate the allegation, that DeFelice refused to put the allegation in writing, and oddly requested that nothing was to happen to Plaintiff, Plaintiff filed three additional formal complaints.

17. Formal complaint number 2 was for "Retaliation" by Professor DeFelice, Formal complaint #3 was for "Harassment" by Professor DeFelice, citing this allegation as further evidence, and Formal Complaint #4, was filed against Sarah Howard and the Purdue University Administration for Harassment and Intimidation. Plaintiff filed Formal Complaint #4 specifically because Professor DeFelice's allegation of being "pushed" was unsubstantiated long before the Disciplinary Hearing/Administrative meeting.

18. Soon after this, Plaintiff met with James Rogers, the investigator assigned to investigate his initial Formal Complaint of Harassment and Intimidation filed against DeFelice, none of the four witnesses listed by Plaintiff were allowed to give statements to Rogers to support Plaintiff's charges and defense.

19. DeFelice, in his written Formal Reply, stated that on December 9, 2002, in the hallway, after the first of Plaintiff's two finals with him that day, plaintiff had raised his hand in a "threatening gesture." He stated explicitly that no contact occurred! This is a complete contradiction of DeFelice's previous complaint that Plaintiff allegedly "pushed" him in the hallway on December 9, 2002.

20. On April 24, 2003, plaintiff received the Chancellor's final decisions regarding his Formal Complaints. Chancellor Cohen identified the Formal Complaint of Harassment and Intimidation against DeFelice, the Formal Complaint of Retaliation against DeFelice, the Formal Complaint of Harassment against DeFelice, and the last Formal Complaint of Harassment and Intimidation against Sarah Howard and Purdue University Administration, all of which were dismissed in their entirety.

21. Chancellor Cohen found that Plaintiff was to blame and that Plaintiff had misinterpreted DeFelice's actions and behavior to be harassment and intimidation - - this without allowing the evidence through the witnesses Plaintiff had offered.

22. After the Chancellor's decision had been rendered and sent out to all appropriate parties, DeFelice placed a copy of the Chancellor's decision on the door to his office for all faculty, staff, and student body to view. He also handed out copies of the Chancellor's decision to Plaintiff's classmates before and after his classes.

23. After the Chancellor's decision, Plaintiff attempted to appeal with the President of Purdue University, Lafayette. Simonetto's appeal was dismissed and Chancellor Cohen's decision was upheld.

24. Subsequently, plaintiff was contacted by a Mrs. Rincon due to a Formal Complaint of Harassment that was filed by Professor DeFelice, against Dr. Saul Lerner, Department Head, History and Political Science Department and named Plaintiff as a witness in that complaint. This was the fourth formal complaint filed by Professor DeFelice against Dr. Lerner in a year.

25. Plaintiff then received a copy of a Formal Complaint of Harassment and Intimidation filed against him by Professor DeFelice.

26. DeFelice thereafter told Plaintiff he would "properly adjust plaintiff's grades" and "drop the complaint" if Plaintiff convinced DeFelice that Plaintiff was influenced by the Department Head to file Plaintiff's complaint, and, "that it will take less to convince him because of the Department Heads' ability to be ambiguous and seriously misrepresent facts."

WHEREFORE, Plaintiff, Kemp Simonetto prays for judgment, jointly and severally, against the Defendants for physical, mental, and emotional pain and suffering and medical costs incurred, for costs of this action, attorney fees, and all other just and proper relief.

Count II.

COMES NOW, Plaintiff, Kemp Simonetto, by counsel, and as a cause of action against the Defendant, Purdue University Calumet and Professor Eugene DeFelice, states as follows:

1- 26. Plaintiff incorporates rhetorical paragraphs 1 through 28 of Count 1.

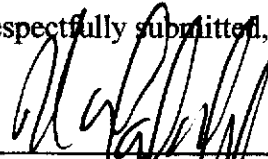
27. The Defendants' actions constitute defamation and intentional interference with prospective business advantage under Indiana law.

WHEREFORE, Plaintiff, Kemp Simonetto, prays for judgment, jointly and severally, against the Defendants for physical, mental, and emotional pain and suffering and medical costs incurred, for costs of this action, attorney fees, and all other just and proper relief.

JURY DEMAND

Plaintiff demands trial by jury.

Respectfully submitted,



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