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## Derrick Rose's Ex Seeks Trial in Rape Case

By MATT REYNOLDS

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LOS ANGELES (CN) — A woman who claims NBA star Derrick Rose drugged and gang-raped her asked a federal judge to reject his motion to dismiss the case, calling Rose's arguments full of "stereotypes, offensive assumptions, and rape myths."

U.S. District Judge Michael Fitzgerald will weigh the claims of Rose's former girlfriend early next week. Rose, a point guard for the Knicks, filed a [motion](#) for summary judgment on Wednesday. His accuser, Jane Doe, filed a motion in [opposition](#) the same day.

Doe sued Rose in County Superior Court last year and the case was removed to Federal Court. She seeks punitive damages for sexual battery, battery, trespass, conspiracy, gender violence and emotional distress, against Rose, his friend Randall Hampton and assistant Ryan Allen.

Doe says Rose spiked her drink with Rohypnol at his rented Beverly Hills home and the men trespassed and raped her at her downtown apartment after she'd returned home in a cab.

She said she did not file a criminal complaint against Rose or the other men because she felt ashamed and feared retaliation.

Her attorney Brandon Anand said in a telephone interview that Doe has filed a criminal complaint with the LAPD in an investigation that is pending.

The LAPD was unable to confirm or deny the investigation on Thursday.

In their motion for summary judgment, Rose, Hampton and Allen say the sex was consensual. They say Doe's roommate was next door at the time and did not hear screaming or yelling, and Doe did not mention the attack at work the next day.

Doe's text messages, which Rose says were "wrongfully withheld until the day after her deposition," appear to contradict her allegations, Rose says.

"The texts clearly show plaintiff being adventurous, buying a sex belt to have fun with Mr. Rose, and then asking Mr. Rose and Mr. Allen to drive over to her house at 1:45 a.m. for more consensual sexual interaction," the motion states.

Rose says that other texts show that when Doe woke up the morning after, she asked him to pay her back for the cabs and the sex toys she had bought.

"This is not a rape case," the motion states. "It's pure and simple extortion by a plaintiff whose story has been shredded by every lay witness in the case."

In her response, Doe says Rose's motion is replete with "stereotypes, offensive assumptions, and rape myths" and that she did not give consent, nor could she give it, because she was drunk and unconscious when the three men arrived at her house.

Attorney Anand said in the interview that Rose's own expert concluded that her blood alcohol content was two and a half times the legal driving limit. Doe says in her motion that she drank vodka, wine and Tequila. Anand said the three men have testified that they had only one shot of Tequila each.

"By their own testimony and their own expert's testimony, we believe that as a matter of law the plaintiff should prevail on sexual assault," Anand said, but added that his client had not filed a "motion on those grounds."

Doe says that during their relationship, which began in 2011, Rose asked if she knew any strippers who could join them for group sex. On another occasion he asked her if she would have sex with him and a friend and his girlfriend, she says.

Doe says in her response that she declined Rose's overtures both times.

She adds that it is "customary for professional basketball players and their 'entourage'" to hire sex workers, and that Rose and his co-defendants had paid for sex during the time period as the attack.

She says phone records support her claim that she was unconscious when the men showed up at her apartment.

According to the phone records, Allen **texted**: "We outside" and "Wake yo ass up," her motion in the opposition states.

"Defendant Allen's phone records also point to this conclusion because he made six one-minute calls to plaintiff's cell phone," the 18-page filing states. "A reasonable juror could certainly infer from the volume of very short calls that defendants were trying to wake plaintiff Doe from her unconscious state and, as the records show, only reached her voicemail."

Rose's expert concluded that Rose had not given her the date-rape drug Rohypnol. But the expert had not "evaluated or expressed any opinion as to whether she was given one of dozens of other drugs which may and are used to rape," the opposition filing says.

Anand called Rose's motion "absurd." He said in a rape case the factual issue is consent.

"There is no possibility from any of the evidence submitted that entitled the defendant to a judgment as a matter of law,"

Anand said.

Judge Fitzgerald is scheduled to hear the motion at 10 a.m. Tuesday, July 18 in downtown LA.

Rose is represented by Mark Baute and Laura Robbins with Baute Crochetiere & Gilford, who did not immediately respond to requests for comment by email and phone Thursday.

While playing for the Chicago Bulls, Rose was the league's most valuable player in the 2010-11 season. The 27-year-old's career has been plagued by injuries and the Bulls traded him to the Knicks in June.

Rose said in court filings in June that he hopes to avoid a trial in the middle of the NBA season, and that if the case goes to trial he would like it to be before the NBA season begins on Oct. 25.

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