



THE MATIASIC FIRM, P.C.

TRIAL ATTORNEYS

For Immediate Release

CSU FILES LEGAL RESPONSE TO LAWSUIT ARISING OUT OF SEXUAL ASSAULT BY TENURED PROFESSOR

CHICO, Calif. February 27, 2023. On January 17, 2023, Plaintiff Molly Roe filed her First Amended Complaint for damages stemming from the egregious sexual assault perpetrated upon her by her Chico State mathematics professor, Christopher Marks. Plaintiff has asserted causes of action for: Negligence, Negligent Hiring/Retention, Negligent Supervision/Failure to Warn, Battery, Sexual Battery, False Imprisonment, Intentional Infliction of Emotional Distress, and Violations of Title IX. The lawsuit names both the Board of Trustees of the California State University (“CSU”) and Christopher Marks as Defendants.

The lawsuit alleges that prior to the assault on Plaintiff, Marks engaged in conduct that provided notice of his propensity to engage in inappropriate behavior and relationships with students, including sexual contact. Marks is also alleged to have solicited sexual conduct in exchange for favorable academic treatment. Plaintiff contends CSU knew of Marks’ inappropriate relationships and conduct with students, but nonetheless continued to employ him with a conscious disregard for the rights and safety of students, including Plaintiff, and by doing so, ratified his sexually abusive behavior.

In response to Plaintiff’s First Amended Complaint, CSU filed an Answer with the Court last week asserting, among other defenses, that Plaintiff’s claim is barred: “by reason of her conduct and actions,” (Second Affirmative Defense), “by Plaintiff’s negligent, intentional, and/or bad faith conduct” (Eighth Affirmative Defense), “because any alleged emotional distress suffered by Plaintiff was not severe, outrageous, or sufficient to support such a claim” (Fourteenth Affirmative Defense), and “because Plaintiff was negligent and that negligence contributed as a proximate and legal cause to her injury and damages” (Twenty-Third Affirmative Defense). CSU asserted these victim-blaming defenses despite that fact that its own Title IX investigation found Plaintiff’s account to be credible, without any evidence of fabrication. Moreover, the Title IX Investigation concluded that on the day of the sexual assault, Marks engaged in sexual activity with the student without obtaining her affirmative consent. The investigation further concluded that Marks engaged in *quid pro quo* sexual harassment. The Title IX inquiry also found that Marks’ unwelcome conduct of a sexual nature (*quid pro quo harassment*, sexual misconduct) was *severe*, limited Plaintiff’s ability to participate in or benefit from the services, activities, or opportunities offered by the University and created an intimidating, hostile or offensive environment. The investigation concluded by finding that Marks violated Executive Order 1097 as well.

Award-winning and lead trial attorney for the Plaintiff, Paul A. Matiasic, offered the following comment:

“CSU’s victim-blaming Answer to this brave survivor’s lawsuit is as abhorrent as it is telling. The scourge of predation upon students at CSU appears to be endemic to this institution. The sheer number of incidents involving professors at CSU Chico suggests the problem is particularly acute at this campus. Students and victims deserve better—a safe environment to pursue their education and justice from the university that allowed this egregious conduct to happen.”

The case is *Molly Roe v. Board of Trustees of the California State University, et al.*, Butte County Superior Court Case No. 22CV02312.

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