

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

APRIL ADEMILUYI,

Plaintiff,

v.

Case No: 8:16-cv-2597-T-30AEP

NATIONAL BAR ASSOCIATION,
DARYL PARKS and BENJAMIN
CRUMP,

Defendants.

ORDER

THIS CAUSE comes before the Court upon Plaintiff's Motion for Partial Summary Judgment (Doc. 58). Upon review, the Court denies Plaintiff's motion.

Plaintiff filed this action in federal district court in Maryland on September 29, 2015. She alleges that Defendants—the National Bar Association (“NBA”), Daryl Parks (former NBA president), and Benjamin Crump (current NBA president)—are liable for the alleged criminal acts of a third party who Plaintiff states drugged and raped her while she was attending an NBA conference in Tampa.¹ She also alleges that Defendants conspired with state, county, and city officials to cover up the rape.

¹ Prior to initiating this action, Plaintiff sued the alleged rapist in the Maryland district court in 2013. The case was transferred to a Nevada district court in 2014. There was no adjudication because Plaintiff voluntarily dismissed the case.

Plaintiff amended her complaint twice. Defendants NBA and Crump then filed Rule 12(b) motions to dismiss Plaintiff's amended complaint for failure to state a claim and/or for improper venue. Defendant Parks filed a Rule 12(f) motion to strike portions of the amended complaint. The Maryland district court determined that venue was improper and transferred the case to this Court in the Middle District of Florida. It otherwise denied Defendants' motions without considering their merits.

Plaintiff filed a writ in the Fourth Circuit Court of Appeals to block the transfer. The Parties agreed to stay the case in this Court pending the outcome of the writ. The Fourth Circuit denied Plaintiff's writ in January 2017, and this Court reopened the Parties' case in March 2017.

Plaintiff subsequently filed the instant motion for partial summary judgment on the issue of Defendants' liability. The Parties have not yet engaged in discovery. Plaintiff has not submitted any discovery from the related Nevada case. The only evidence she has provided in support of her motion is an affidavit written by Defendant Parks. He submitted the affidavit in support of his motion to strike portions of Plaintiff's amended complaint that referenced Trayvon Martin. Plaintiff argues that because Parks did not deny the allegations in the amended complaint in this affidavit, all three Defendants have admitted all of her allegations.

Plaintiff's argument lacks merit. Defendant Parks had no obligation to deny the allegations of the amended complaint in his affidavit.


The Court cannot grant summary judgment without an adequate record, and it should not do so until the non-movant has had an adequate opportunity for discovery.

Snook v. Trust Co. of Ga. Bank, 859 F.2d 865, 870 (11th Cir. 1988). The Court has no factual record before it, and the Parties have not engaged in discovery. Summary judgment in this case is premature.

Accordingly, it is ORDERED AND ADJUDGED that:

1. Plaintiff's Motion for Partial Summary Judgment (Doc. 58) is denied.
2. Plaintiff's Motion to Stay Filing of the Case Management Report Pending Consideration of the Motion for Summary Judgment (Doc. 68) is denied as moot.

DONE and **ORDERED** in Tampa, Florida, on April 10th, 2017.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record