

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**JANE DOE 6**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 3:14-CV-32-NBB-SAA**

**RUST COLLEGE, SYLVESTER  
OLIVER, and DAVID BECKLEY,  
in his official capacity as President  
of Rust College**

**DEFENDANTS**

**ORDER DISMISSING VICARIOUS LIABILITY CLAIMS**

Presently before the court is a motion by defendant Rust College and David Beckley to dismiss vicarious liability claims. Upon due consideration, the court finds that the motion is well taken and should be granted.

The court has previously granted the defendants' motions to dismiss vicarious liability claims asserted under Title IX in cases related to this action<sup>1</sup> based on the Supreme Court's ruling in *Gebser v. Lago Vista Indep. Sch. Dist.*, 524 U.S. 274 (1998) and the Fifth Circuit's ruling in *Rosa v. San Elizario Indep. Sch. Dist.*, 106 F.3d 648 (5th Cir. 1997). Both cases hold that Title IX claims cannot be based solely on principles of vicarious liability. Further, the plaintiff failed to respond to the present motion; thus, the court assumes it is conceded.

It is, therefore, **ORDERED AND ADJUDGED** that the defendants' motion to dismiss vicarious liability claims is hereby **GRANTED**.

This, the 14th day of August, 2015.

/s/ Neal Biggers

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**NEAL B. BIGGERS, JR.**

**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup>See *Jane Doe v. Rust College, et al.*, No. 3:13cv220-NBB-SAA; *Jane Doe 7 v. Rust College, et al.*, No. 3:14cv33-NBB-SAA.