

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

HALEY JUSTICE,
Plaintiff,

v.

BOARD OF REGENTS OF TEXAS
TECH UNIVERSITY SYSTEM, for and
on behalf of TEXAS TECH UNIVERSITY
IN LUBBOCK, AND TANNER CEARLEY,
Defendants.

§
§
§
§
§
§
§
§
§
§
§

Civil Action No. 5:25-CV-000237-H

**DEFENDANT TANNER CEARLEY’S ORIGINAL ANSWER TO
PLAINTIFF’S ORIGINAL COMPLAINT**

COMES NOW, Defendant Tanner Cearley (“**Defendant**” or “**Cearley**”), and hereby files this his Original Answer to Plaintiff’s Original Complaint, and in support thereof would respectfully show unto the Court, as follows:

**I.
ADMISSIONS AND DENIALS**

1. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 1. Fed. R. Civ. P. 8(b)(5).
2. Defendant admits the allegation in Paragraph 2.
3. Defendant admits the allegation in Paragraph 3.
4. Defendant admits that this Court has proper jurisdiction over all alleged claims pertaining to federal questions under Title IX of the Education Amendments of 1972. Otherwise, all allegations made in Paragraph 4 of Plaintiff’s complaint are denied.
5. Defendant admits the allegations in Paragraph 5.

6. Defendant admits that this Court has proper venue over all alleged claims pertaining to federal questions under Title IX of the Education Amendments of 1972. Otherwise, all allegations made in Paragraph 6 of Plaintiff's Complaint are denied.

7. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 7. Fed. R. Civ. P. 8(b)(5). Defendant denies any implications that Defendant's actions are related to the allegation in paragraph 7.

8. Defendant admits Plaintiff attended Texas Tech University in Lubbock ("**Texas Tech**") in the fall of 2023. Defendant lacks knowledge or information sufficient to form a belief about the truth of all other allegations made in Paragraph 8. Fed. R. Civ. P. 8(b)(5).

9. Defendant admits that he attended Texas Tech and was a first-year student. Defendant admits that he participated in a Snapchat group for first-year students. Defendant admits that he met Plaintiff in person on or about October 2023. Defendant admits that his dorm room was on the sixth floor and that Plaintiff's dorm room was on the seventh floor of the same dorm building. Defendant admits that he invited Plaintiff to his dorm room. Defendant lacks knowledge or information sufficient to form a belief about the truth that Plaintiff was doing homework, but Defendant does admit that Plaintiff accepted the invitation and came to his dorm room after midnight that evening. Fed. R. Civ. P. 8(b)(5). Defendant admits that he and Plaintiff had not had a romantic or intimate relationship prior to Plaintiff's acceptance of Defendant's invitation to join him in his dorm room.

10. Defendant denies the allegations in Paragraph 10. Plaintiff voluntarily entered his dorm room and proceeded to get onto his bed and get underneath the covers of the bed without any prompting from Defendant. Defendant attempted to access Netflix in order to stream a movie to watch with Plaintiff but was unsuccessful due to connection issues. Following this, Defendant

and Plaintiff attempted to download the streaming application “Peacock.” While waiting for the “Peacock” application to download, Plaintiff and Defendant engaged in consensual kissing. Defendant placed his hand on the inside of Plaintiff’s leg and it remained on the inside of her leg while they continued to kiss, near her vaginal area. Plaintiff reciprocated and voluntarily participated in the kissing with Defendant, and she never told the Defendant to move his hand. Because the Peacock streaming application would not download, Defendant got up from the bed so that he could turn on his music speaker. Plaintiff voluntarily remained in Defendant’s bed during this transition. When Defendant returned to his bed, he and the Plaintiff reengaged in consensual kissing once again. He then moved his hands under Plaintiff’s clothes and Plaintiff appeared to enjoy being touched by Defendant. At that time, Plaintiff assisted Defendant in the removal of her shorts and underwear by lifting up her legs and buttocks. Defendant and Plaintiff then proceeded to kiss again while Defendant used his fingers to penetrate Plaintiff’s vagina. Plaintiff never showed signs of discomfort during their interaction, nor did she tell him to stop kissing her or touching her vagina. Defendant denies that Plaintiff begged him to stop and attempted to push him off of her. Sometime thereafter, Defendant asked if Plaintiff would perform oral sex on him, which she refused because she did not like “doing that.” Defendant understood and got up to use the restroom. It was at this time that Defendant noticed blood on his hand and asked if Plaintiff was okay. Both Plaintiff and Defendant then left the room to use their respective restrooms. Upon Defendant’s return from the restroom, he found Plaintiff waiting at his dorm room door. Plaintiff informed Defendant that she had left her cup and keys in his room. Defendant opened the door to his dorm room for Plaintiff and Plaintiff voluntarily entered the room and retrieved her cup and keys, and then she proceeded to leave.

11. Defendant denies the allegations in Paragraph 11. Defendant and Plaintiff both went to use the bathroom after their consensual encounter. Defendant used the bathroom on the sixth floor and Plaintiff told Defendant that she was going to use the bathroom on the seventh floor. After using the bathroom, Plaintiff voluntarily returned to Defendant's dorm room because she had forgot her cup and keys, which she realized after using the bathroom on the seventh floor.

12. Defendant denies the allegations in Paragraph 12 that Defendant raped the Plaintiff. Defendant incorporates herein the response contained in Paragraph 10., above. Defendant lacks knowledge or information sufficient to form a belief about the truth of all of the other the allegations made in Paragraph 12 . Fed. R. Civ. P. 8(b)(5).

13. Defendant denies the allegations in Paragraph 13 that he raped or sexually assaulted Plaintiff. Defendant incorporates herein the response contained in Paragraph 10, above. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the other allegations in Paragraph 13. Fed. R. Civ. P. 8(b)(5).

14. Defendant denies the allegations in Paragraph 14 that he raped or sexually assaulted Plaintiff. Defendant admits that Plaintiff formally made a report to the Texas Tech Police Department. Defendant lacks knowledge or information sufficient to form a belief about the truth of all of the other the allegations made in Paragraph 14. Fed. R. Civ. P. 8(b)(5).

15. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations concerning evidence of any criminal investigation. Fed. R. Civ. P. 8(b)(5). Defendant admits the allegation in Paragraph 15 that he was indicted on a felony charge of aggravated assault on September 24, 2024. Defendant denies the allegation in Paragraph 15 that he was arrested on September 25, 2024. Defendant denies that the criminal case is currently set for trial.

16. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the allegations in Paragraph 16. Fed. R. Civ. P. 8(b)(5).

17. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the allegations in Paragraph 17. Fed. R. Civ. P. 8(b)(5).

18. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the allegations in Paragraph 18. Fed. R. Civ. P. 8(b)(5).

19. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the allegations in Paragraph 19 as to the assertions related to Texas Tech. Fed. R. Civ. P. 8(b)(5). Defendant denies that any sanctions were warranted or imposed by Texas Tech.

20. Defendant denies the allegation in Paragraph 20 that he raped Plaintiff. Defendant lacks knowledge or information sufficient to form a belief about the truth of the other allegations in Paragraph 20. Fed. R. Civ. P. 8(b)(5).

21. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the allegations in Paragraph 21. Fed. R. Civ. P. 8(b)(5).

22. Defendant admits that the legal authority quote contained in Paragraph 22 is correct. The full restatement of 34 C.F.R. § 106.44(K)(2)(2025) states the following: “A recipient must not require or pressure the parties to participate in an informal resolution process. The recipient must obtain the parties' voluntary consent to the informal resolution process and must not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.”

23. Defendant admits that Plaintiff executed a Consent and Acknowledgment of the Informal Resolution Process in which she voluntarily participated in the informal resolution

process. It was through this process in which Plaintiff voluntarily executed the Informal Resolution on June 4, 2024.

24. Defendant admits Plaintiff executed the Informal Resolution on June 4, 2024. Defendant denies that he raped Plaintiff. Defendant incorporates herein the response contained in Paragraph 10, above. Defendant denies that Plaintiff succumbed to pressure to sign the Informal Resolution. Specifically, the Informal Resolution states the following: “[Plaintiff and Defendant] actively and voluntarily participated in the development of [the Informal Resolution] and are satisfied their concerns were properly addressed. Prior to signing, [Plaintiff and Defendant] reviewed the [the Informal Resolution], as did their advisors, if applicable. Although not required, the use of advisors by the [Plaintiff and Defendant] was highly recommended by the university.”

25. Defendant admits that Plaintiff has correctly quoted 34 C.F.R. § 106.44(K)(2) and (4).

26. Defendant admits the allegations contained in Paragraph 26.

27. Defendant denies that Andrea was not a neutral party in the resolution of Plaintiff’s claims against Defendant. Defendant denies that Andrea made preliminary determinations about credibility, and developed opinions about Plaintiff and Defendant. Defendant admits that Andrea conducted a thorough investigation and drafted the Investigation Report.

28. Defendant denies the allegations contained in Paragraph 28.

29. Defendant denies the allegation in Paragraph 29 that Plaintiff was coerced into engaging in the informal resolution process and signing the Informal Resolution Consent. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the other allegations in Paragraph 29. Fed. R. Civ. P. 8(b)(5).

30. Defendant denies the allegations contained in Paragraph 30.

31. Defendant admits that no hearing panel was scheduled. Defendant denies all allegations that the grievance procedure was unreasonably delayed. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the allegation that Plaintiff was provided an unfinished draft of the Investigation Report on May 31, 2024. Fed. R. Civ. P. 8(b)(5).

32. Defendant denies any allegation in Paragraph 32 that Plaintiff was coerced or pressured into signing the Informal Resolution. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the other allegations in Paragraph 32. Fed. R. Civ. P. 8(b)(5).

33. Defendant denies the allegations contained in Paragraph 33.

34. Defendant denies the allegation in paragraph 34 that the investigation was “[dragged] out” to make Plaintiff feel compelled to agree to the Informal Resolution. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the other allegations in Paragraph 34. Fed. R. Civ. P. 8(b)(5).

35. Defendant admits the allegation in Paragraph 35 that Plaintiff filed her complaint on November 6, 2023. Defendant admits that Andrea’s report states that Plaintiff’s initial meeting with Andrea occurred November 8, 2023, approximately two-days after Plaintiff filed her complaint. Defendant admits that Andrea’s report states that she interviewed Plaintiff by Andrea on November 9, 2023. Defendant admits that he was interviewed by Andrea on November 29, 2023, and again on March 5, 2024. Defendant admits that Andrea’s report states that she interviewed Rylan Berry on November 14, 2023. Defendant admits that Andrea’s report states that she interviewed Jeweljana Helm on November 17, 2023. Defendant admits that Andrea’s report states that she interviewed Kenzie Segleski on November 29, 2023. Defendant admits that

Andrea's report states that she interviewed Jacob Hall on January 17, 2023, but is under the belief that this is a typo and that the interview occurred on January 17, 2024. Defendant denies the allegation in Paragraph 35 that he raped Plaintiff. Defendant incorporates herein the response contained in Paragraph 10, above.

36. Defendant denies the allegation in Paragraph 36 that conducting eight interviews shows a deliberate intent to delay and coerce because Title IX regulations establish that the standard of proof to determine sex discrimination occurred is merely preponderance of evidence. Specifically, Defendant believes that due to the nature of Plaintiff's alleged that a complete and thorough investigation must occur and any insinuation that a lower standard of proof deserves a lower level of investigation as alleged in Paragraph 36 is vehemently opposed and denied.

37. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the other allegations in Paragraph 37 to the extent of the alleged evidence gathered by Texas Tech. Fed. R. Civ. P. 8(b)(5). Defendant denies all remaining allegations in Paragraph 37.

38. Defendant admits the allegation in Paragraph 38 that Andrea's report states that the last interview took place on March 5, 2024. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the other allegations made in Paragraph 38. Fed. R. Civ. P. 8(b)(5).

39. Defendant denies the allegation in Paragraph 39 that Texas Tech's efforts were to have the Plaintiff execute an agreement that was acceptable to Defendant. As stated above, both Plaintiff and Defendant voluntarily entered into the Informal Resolution that was executed on June 4, 2024. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the other allegations made in Paragraph 39. Fed. R. Civ. P. 8(b)(5).

40. Defendant denies the allegation in Paragraph 40 that Plaintiff executed the Informal Resolution at the insistence of Texas Tech SCRMS employees. Defendant admits that the Informal Resolution contained an agreement for a No-Contact Order and that Defendant would receive some training on Sexual Misconduct/Harassment, Defendant would make a \$500.00 contribution to the Voice of Hope, and Defendant would submit a 500-word essay on the importance of consent, despite the fact that Defendant continually maintained that no inappropriate or non-consensual action occurred with Plaintiff. Defendant incorporates the response contained in Paragraph 10, above.

41. Defendant denies all of the allegations made in Paragraph 41. Defendant incorporates the response contained in Paragraph 10, above.

42. Defendant denies the allegations made in Paragraph 42. Plaintiff insinuates a perceived outcome and determination against Defendant that contradicts the Informal Resolution willfully and voluntarily signed by Plaintiff. Specifically, the Informal Resolution states: “This Agreement does not assign ‘blame’ or responsibility to either party. No party has been found to have violated any university policy or any provision of the Texas Tech Code of Student Conduct.” Plaintiff knowingly and willfully and voluntarily signed a document in which she agreed that Defendant was not found to have violated university policy or any provision of the Texas Tech Code of Student Conduct, which includes any alleged Title IX violation.

43. Defendant denies the allegation in Paragraph 43 that he violated the Informal Resolution Agreement. Defendant denies all other allegations in Paragraph 43.

44. Defendant denies the allegations in Paragraph 44.

45. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the allegations made in Paragraph 45. Fed. R. Civ. P. 8(b)(5).

46. Defendant denies the allegations in Paragraph 46.

47. Defendant denies that he raped Plaintiff. Defendant incorporates herein the response contained in Paragraph 10, above. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of all the other allegations made in Paragraph 47. Fed. R. Civ. P. 8(b)(5).

48. Defendant denies the allegation in Paragraph 48 that he continued his academic life with no major interferences as a result of the Title IX complaint filed by Plaintiff. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the other allegations made in Paragraph 48. Fed. R. Civ. P. 8(b)(5).

49. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the allegations made in Paragraph 49. Fed. R. Civ. P. 8(b)(5).

50. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the allegations made in Paragraph 50. Fed. R. Civ. P. 8(b)(5).

51. Defendant incorporates and each and every answer set forth in the foregoing paragraphs as if fully set forth herein.

52. Defendant denies the allegations made in Paragraph 52.

53. Defendant admits the allegation in Paragraph 53 that he was a Texas Tech student. Defendant denies the allegations in Paragraph 53 that he raped the Plaintiff and that he was involved in a rape that occurred in the on-campus residence hall at Texas Tech. Defendant incorporates herein the response contained in Paragraph 10, above.

54. Defendant denies the allegations in Paragraph 54 that Defendant sexually assaulted Plaintiff. Defendant incorporates herein the response contained in Paragraph 10, above. Defendant

admits the allegation in Paragraph 54 that Plaintiff made a report to the Office of Student Civil Rights and Sexual Misconduct. Defendant denies all other allegations made in Paragraph 54.

55. Defendant denies the allegations in Paragraph 55 that Defendant sexually assaulted Plaintiff. Defendant incorporates herein the response contained in Paragraph 10, above. Defendant denies the allegation in Paragraph 55 that Plaintiff was pressured to execute the Informal Resolution. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the other allegations made in Paragraph 55. Fed. R. Civ. P. 8(b)(5).

56. Defendant admits the allegation in Paragraph 56 that Andrea Regalado was the investigator in charge. Defendant denies any allegation in Paragraph 56 that the Informal Resolution was not a prompt, fair and equitable solution. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the other allegations made in Paragraph 56. Fed. R. Civ. P. 8(b)(5).

57. Defendant denies the allegation in Paragraph 57 that Plaintiff was coerced into signing the Informal Resolution. Defendant denies the allegation in Paragraph 57 that Texas Tech had collected sufficient evidence for a finding of responsibility by a preponderance of the evidence. Plaintiff executed the Informal Resolution in which she agreed that “No party has been found to have violated any university policy or any provision of the Texas Tech University Code of Student Conduct.”

58. Defendant denies the allegation in Paragraph 58 that Plaintiff was coerced into signing the Informal Resolution. Defendant denies the allegation in Paragraph 58 that he raped Plaintiff. Defendant incorporates herein the response contained in Paragraph 10, above. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the other allegations made in Paragraph 58. Fed. R. Civ. P. 8(b)(5).

59. Defendant denies the allegation in Paragraph 59 that he raped Plaintiff. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the other allegations made in Paragraph 59. Fed. R. Civ. P. 8(b)(5).

60. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the other allegations made in Paragraph 60. Fed. R. Civ. P. 8(b)(5).

61. Defendant denies the allegation in Paragraph 61 that he raped Plaintiff. Defendant incorporates herein the response contained in Paragraph 10, above. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the other allegations made in Paragraph 61. Fed. R. Civ. P. 8(b)(5).

62. Defendant denies the allegation in Paragraph 62 that Teas Tech was indifferent to Plaintiff. Defendant lacks knowledge or information at this time sufficient to form a belief about the truth of the other allegations made in Paragraph 62. Fed. R. Civ. P. 8(b)(5).

63. Defendant denies the allegations in Paragraph 63.

64. Defendant denies the allegation in Paragraph 64 that there was a Title IX violation. Defendant denies all other allegations in Paragraph 65.

65. Defendant incorporates and each and every answer set forth in the foregoing paragraphs as if fully set forth herein.

66. Defendant denies the allegations as set forth in Paragraph 66. Defendant incorporates herein the response contained in Paragraph 10, above.

67. Defendant denies the allegations as set forth in Paragraph 67. Defendant incorporates herein the response contained in Paragraph 10, above.

68. Defendant denies the allegations as set forth in Paragraph 68. Defendant incorporates herein the response contained in Paragraph 10, above.

69. Defendant denies the allegations as set forth in Paragraph 69.

70. Defendant incorporates and each and every answer set forth in the foregoing paragraphs as if fully set forth herein.

71. Defendant denies the allegations as set forth in Paragraph 71. Defendant incorporates herein the response contained in Paragraph 10, above.

72. Defendant denies the allegations set forth in Paragraph 72.

73. Defendant denies that Plaintiff is entitled to damages for attorneys' fees.

II. DEFENSES

A. Consent

74. Plaintiff is prevented from asserting any claim against Defendant, as outlined above in more detail, because Plaintiff consented to the kissing and touching from Defendant. Defendant incorporates herein the response contained in Paragraph 10, above.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests this Court enter judgment in favor of Defendant, and deny all of the relief requested by Plaintiff in her Original Complaint, and for such other and further relief, at law or in equity, general or special, to which Defendant may show himself to be justly entitled.

Respectfully submitted,

MCWHORTER, COBB AND JOHNSON, LLP

1722 Broadway (79401)

P. O. Box 2547

Lubbock, Texas 79408

Telephone: (806) 762-0214

Facsimile: (806) 762-8014

R. Michael McCauley, Jr.
SBN: 00797030
mccauley@mcjllp.com
David C. Rice
SBN: 24131611
drice@mcjllp.com

By: /s/ R. Michael McCauley, Jr.
R. Michael McCauley, Jr.

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this document has been served on all counsel of record via the Court's electronic filing system, and in accordance with the Federal Rules of Civil Procedure, on this 4th day of December, 2025.

/s/ R. Michael McCauley, Jr.
R. Michael McCauley, Jr.