

FILED

September 22, 2026 02:10 PM

ST-2026-CV-00413

TAMARA CHARLES
CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS AND ST. JOHN

MALCOM JOSEPH,

Plaintiff,

v.

UNIVERSITY OF THE VIRGIN ISLANDS,

Defendant.

Case No.: _____

ACTION FOR DAMAGES

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW Plaintiff MALCOLM JOSEPH (“Plaintiff” or “Mr. Joseph”), by and through undersigned counsel, John P. Fischer, Esq., and hereby files his Complaint against Defendant UNIVERSITY OF THE VIRGIN ISLANDS (“UVI”), and alleges the following:

JURISDICTION and VENUE

1. This Court has jurisdiction over this matter pursuant to 4 V.I.C. §76.
2. Venue is proper in the District of St. Thomas & St. John as the events complained of herein occurred on St. Thomas, VI.

PARTIES

3. Plaintiff MALCOLM JOSEPH is a citizen and resident of St. Thomas, VI.
4. Defendant UVI is a public university and historically Black college and university (HBCU) located in the U.S. Virgin Islands, with its principal place of business located at 2 John Brewers Bay, St. Thomas, VI 00802-9990 (the “Premises”) and is the owner of the subject Premises referred to herein at all times relevant to the allegations in this Complaint.

FACTS

5. On or about December 22, 2025 at approximately 10:00 p.m., Plaintiff was robbed and violently assaulted at UVI where he was employed as a Front Desk Associate/Student Worker at the Wellness Center on campus.

6. The hours of operation for the Wellness Center are 5:00 a.m. to 10:00 p.m.

7. As a Front Desk Associate, Mr. Joseph was required to call campus security when packing up so a security guard would come to the Wellness Center to complete a security check and be there when Mr. Joseph was locking up. The night of the incident, they came around 9:50 p.m.

8. However, because of the Christmas season, business was non-existent and the center was empty all day. Mr. Joseph called for security to come around 8:00 p.m., and also called his father who would pick him up from work.

9. As time passed, Mr. Joseph cleaned up while waiting for security and checked outside to see if his father, Bernard Joseph, was outside, which he was. At this time, Mr. Joseph was simply waiting for security to come before he could leave.

10. When security came, they only sent one (1) officer – when normally they were two – and it was a female security guard (2) with no weapons, as only chief of security carries a weapon. The female security guard sent was 5'6", very slim and in her forties.

11. As soon as security came, Mr. Joseph left with the towels to carry to the gym to be washed when he was violently attacked by two (2) assailants.

12. On or about December 25, 2025, Karen Carty, Athletic Director, called Mr. Joseph to express her concern. Thereafter, Safiya George, UVI President, also called and spoke with Mr. Joseph who expressed her concern and apologies for what he suffered due to the attack and robbery on campus. Thereafter, Mr. Theodor Glasford, Chief of Security, called and spoke with Mr. Joseph and his mother, Torintha Joseph.

13. On or about January 12, 2026, Mr. Glasford sent security to have Mr. Joseph come to his office; advised there was video footage; but, refused to show him due to its "graphic" nature.

14. As a student worker, Mr. Joseph gets paid \$13.00 per hour; working no more than 40 hours per 2 week; and, cannot work during class hours. However, because the Wellness Center serves

the public, he occasionally works overtime. (5am – 2pm; one hour for lunch; then reopens from 3pm to 10pm). He was working the night shift (3/4pm to 10pm). He was on that shift for the entire semester. He was the only one that closed for that entire semester unless he called out.

15. UVI has a pattern and practice of providing inadequate security on the campus of UVI. On or about March 23, 2025, a female student was assaulted on campus at her dormitory.

16. Additionally, on or about March 25, 2025, there was another robbery on the campus wherein a female student was robbed of her jewelry in the early morning hours. UVI did not issue an amber alert until 5:26 p.m.

17. Since the December 22, 2025 incident involving Mr. Joseph, there has been another robbery which took place in the morning hours behind the library on the campus.

18. As a result of the assault and battery on Defendant's premises on or about December 23, 2025, Plaintiff was seriously injured and suffered loss of property.

COUNT I - NEGLIGENCE

19. Plaintiff repeats and re-alleges paragraphs 1 - 18 which are incorporated herein by reference.

20. Defendant, as a university, is held to the same standard as any other business or private property owner. At all times material hereto, Plaintiff was a business invitee of the Defendant.

21. As such, Defendant owed a duty to the Plaintiff to maintain its Premises in a safe condition for invitees such as the Plaintiff.

22. These obligations create a duty on the part of the Defendant to maintain, inspect and to ensure that the Premises are in a safe condition for individuals and invitees lawfully on the Premises, such as the Plaintiff.

23. This also created a duty of the Defendant to protect its invitees from reasonably foreseeable third-party criminal attacks.

24. The Defendant negligently breached these duties, by:

- a. Failing to take the necessary precautions needed to make its campus safe by maintaining adequate security and security personnel on the Premises of UVI where Plaintiff was employed at the time;
- b. Failing to implement, follow, and enforce reasonable operational safety guidelines, policies, protocols, procedures, and/or directives to ensure the safety of its employees, students, faculty and structures on the Premises;
- c. Failing to provide its security, contractors, agents, employees, and/or representatives with proper and adequate training and instructions on hazard recognition, safety rules and practices that are applicable when keeping the Premises safe and secure for all individuals and structures;
- d. Failing to exercise reasonable care in monitoring and supervising its security contractors, agents, employees, and/or representatives under the circumstances.
- e. Choosing not to provide for, and to have its security actually make, adequate inspections of the area of the Premises so as to detect, warn, correct, and prevent the dangerous conditions that existed on the Premises resulting in Plaintiff being assaulted and robbed on or about December 22, 2025; and
- f. Choosing not to warn guests and individuals, including the Plaintiff, of dangerous conditions of the Premises on December 22, 2025 resulting in Plaintiff being injured.

25. Further, the Defendant created the dangerous condition and operated the Premises in a manner which permitted the dangerous condition to exist.

26. The Defendant, individually and/or by and through its agent(s) and/or employee(s), knew or should have known of the hazardous condition existing on the Premises and chose not to correct it.

27. The hazardous condition had existed for such a length of time that the Defendant, by and through their agent(s) and/or employee(s), knew or should have known thereof and the likelihood of injury to persons, such as Plaintiff, on the Premises.

28. As a direct and proximate result of the Defendant's aforementioned breaches of its duties the Plaintiff was injured. He suffered bodily injuries, physical impairment, disability, physical,

mental and emotional pain and suffering, loss of property, embarrassment, humiliation, and loss for the capacity for enjoyment of life. He has incurred medical and related bills and expenses.

29. Plaintiff's injuries are permanent and continuing in nature and he will continue to incur them in the future.

WHEREFORE, the Plaintiff seeks an award of compensatory damages against the Defendant, in an amount as determined by the trier of fact, for costs and fees, pre-judgment interest, post-judgment interest, along with any other relief the Court deems appropriate, including punitive damages if warranted by the facts.

A TRIAL BY JURY IS DEMANDED AS TO ALL ISSUES

Respectfully submitted,

FISCHER REDAVID PLLC

Dated: September 22, 2026

/s/ John P. Fischer

John P. Fischer. Esq.

VI Bar No. 1232

P.O. Box 1197

Charlotte Amalie, VI 00804

Phone: (340) 715-5297

Fax: (954) 860-8584

John@yourchampions.com

usviservice@yourchampions.com

Counsel for Plaintiff