


<p>BY: ROBERT S. MILLER, ESQUIRE Electronic Mail: rmiller@wapnernewman.com ATTORNEY IDENTIFICATION NO.: 036311992 BY: ADAM S. GETSON, ESQUIRE Electronic Mail: agetson@wapnernewman.com ATTORNEY IDENTIFICATION NO.: 030722003 BY: JARAD L. SILVERSTEIN, ESQUIRE Electronic Mail: jsilverstein@wapnernewman.com ATTORNEY IDENTIFICATION NO.: 016792007 BY: SIMON T. HAILEAB, ESQUIRE Electronic Mail: shaileab@wapnernewman.com ATTORNEY IDENTIFICATION NO.: 093232013 WAPNER NEWMAN 8000 Sagemore Drive, Suite 8302 Marlton, NJ 08053 (856) 983 – 9800</p>	 <p><u>ATTORNEYS FOR PLAINTIFF</u></p>
<p>ARMAND RUNTE 431 First Street Somers Point, NJ 08244 <u>Plaintiff</u></p> <p style="text-align: center;"><u>VS.</u></p> <p>THETA CHI FRATERNITY INC. 865 West Carmel Drive Carmel IN 46032</p> <p style="text-align: center;"><u>AND</u></p> <p>THE GRAND CHAPTER OF THETA CHI FRATERNITY INC. 865 West Carmel Drive Carmel IN 46032</p> <p style="text-align: center;"><u>AND</u></p> <p>THE FOUNDATION CHAPTER OF THETA CHI FRATERNITY INC. 865 West Carmel Drive Carmel IN 46032</p> <p style="text-align: center;"><u>AND</u></p> <p>THE NORWICH HOUSING CORPORATION 865 West Carmel Drive Carmel IN 46032</p> <p style="text-align: center;"><u>AND</u></p> <p>THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER P.O. Box 10112 New Brunswick, NJ 08906</p> <p style="text-align: center;"><u>AND</u></p> <p>THETA CHI ALUMNI CORPORATION 49 Mine Street New Brunswick, NJ 08901</p>	<p>: SUPERIOR COURT OF NEW : JERSEY LAW DIVISION, : MIDDLESEX COUNTY : : : : DOCKET NO.: MID-L- : : <u>COMPLAINT</u> : : <u>JURY TRIAL DEMAND</u> : : <u>DESIGNATION OF TRIAL</u> : <u>ATTORNEY</u> : : <u>DEMAND FOR ANSWERS TO</u> : <u>INTERROGATORIES</u> : : <u>DEMAND FOR DISCOVERY OF</u> : <u>INSURANCE COVERAGE</u> : : <u>NOTICE OF AUDIO TAPING AND/OR</u> : <u>VIDEOTAPING OF IME</u> : : <u>NOTICE TO ARGUE THE TIME</u> : <u>UNIT RULE</u> : : <u>DEMAND FOR PLEADINGS/DISCOVERY</u> : : <u>CERTIFICATION OF NON-PENDENCY</u> : : : : :</p>

<u>AND</u>	:
ROY LEE	:
136 Magee Ct	:
East Brunswick, NJ 08816-5804	:
<u>AND</u>	:
RYLAN CHEW	:
71 Clemens Lane	:
Blackwood, NJ 08012-5824	:
<u>AND</u>	:
GAVIN ROBERTSON	:
128 Essex Ave	:
Glen Ridge, NJ 07028-2409	:
<u>AND</u>	:
MICHAEL SEBASTIAN	:
126 Haase Avenue	:
Paramus, NJ 07652-4506	:
<u>AND</u>	:
GAVEN FERRARO	:
42 Kings Way	:
Freehold, NJ 07728-2834	:
<u>AND</u>	:
MIKE LUONGO	:
5 Pine Rd	:
Roseland, NJ 07068-1434	:
<u>AND</u>	:
BRANDON AUFIERO	:
41 Carriage Hill Drive	:
Colts Neck, NJ 07722-1620	:
<u>AND</u>	:
MATTHEW BOHINSKI	:
2B Lake Ave	:
Helmetta, NJ 08828-1112	:
<u>AND</u>	:
JAMES HOLT	:
1001 Thomas Ave	:
Cinnaminson, NJ 08077-2320	:
<u>AND</u>	:
DANIEL ERENBERG	:
1119 Roseberry Court	:
Morganville, NJ 07751-1785	:
<u>AND</u>	:
CONSTANTINE SEDEREAS	:
814 White Oak Court	:
Lake Hopatcong, NJ 07849-2467	:
<u>AND</u>	:
HUNTER PETERSON	:
49 Mine Street	:
New Brunswick, New Jersey 08901	:
<u>AND</u>	:
	:
	:
	:

DREW UNGARTEN	:
49 Mine Street	:
New Brunswick, New Jersey 08901	:
<u>AND</u>	:
RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY	:
Liberty Plaza,	:
Suite 2160	:
335 George Street	:
New Brunswick, New Jersey, 08901	:
<u>AND</u>	:
RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL	:
84 College Avenue	:
New Brunswick, NJ 08901	:
<u>AND</u>	:
JOHN DOES 1 TO 10, JANE DOES 1 TO 10, JOHN DOES INCORPORATED A TO Z, JOHN DOES PROFESSIONAL ASSOCIATIONS A TO Z, JOHN DOES PARTNERSHIP, I TO C AND JOHN DOES INSTITUTIONS, A TO Z, various fictitious and unidentified individuals, corporations, professional associations, partnerships and institutions, Individually, Jointly and in the Alternative	:
<u>Defendants</u>	:

PLAINTIFF’S COMPLAINT

Plaintiff, ARMAND RUNTE, who resides at 431 First Street, in the City of Somers Point, in the State of New Jersey by way of Complaint against the defendants’ states as follows:

COUNT I

PLAINTIFF, ARMAND RUNTE VS. DEFENDANTS, THETA CHI FRATERNITY INC., THE GRAND CHAPTER OF THETA CHI FRATERNITY INC., THE FOUNDATION CHAPTER OF THETA CHI FRATERNITY INC., THE NORWICH HOUSING CORPORATION, THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER, THETA CHI ALUMNI CORPORATION, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL, ROY LEE, RYLAN CHEW, GAVIN ROBERTSON, MICHAEL SEBASTIAN, GAVEN FERRARO, MIKE LUONGO, BRANDON AUFIERO, MATTHEW BOHINSKI, JAMES HOLT, DANIEL ERENBERG, CONSTANTINE SEDEREAS, HUNTER PETERSON DREW UNGARTEN AND JOHN DOES 1 TO 100, JANE DOES 1 TO 100, JOHN DOES INCORPORATED A TO Z, JOHN DOES PROFESSIONAL ASSOCIATIONS A TO Z, JOHN DOES PARTNERSHIP, I TO C AND JOHN DOES INSTITUTIONS, A TO Z, VARIOUS

**FICTITIOUS AND UNIDENTIFIED INDIVIDUALS, CORPORATIONS,
PROFESSIONAL ASSOCIATIONS, PARTNERSHIPS AND INSTITUTIONS,
INDIVIDUALLY, JOINTLY AND IN THE ALTERNATIVE**

Facts Common To All Counts

Introduction



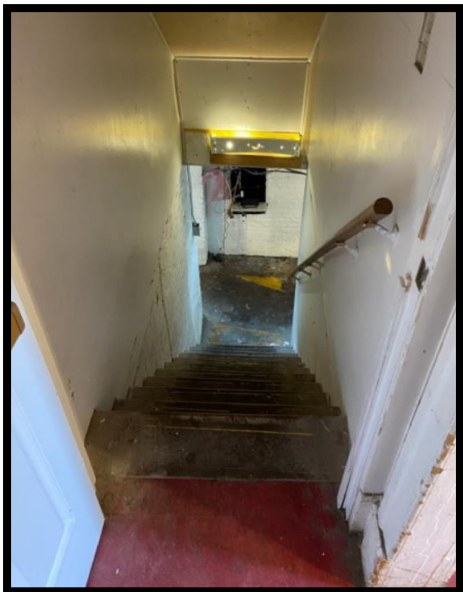
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1. Plaintiff, ARMAND RUNTE, files this Complaint against DEFENDANTS, THETA CHI FRATERNITY INC., THE GRAND CHAPTER OF THETA CHI FRATERNITY INC., THE FOUNDATION CHAPTER OF THETA CHI FRATERNITY INC., THE NORWICH HOUSING CORPORATION, THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER, THETA CHI ALUMNI CORPORATION, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL, ROY LEE, RYLAN CHEW, GAVIN ROBERTSON, MICHAEL SEBASTIAN, GAVEN FERRARO, MIKE LUONGO, BRANDON AUFIERO, MATTHEW BOHINSKI, JAMES HOLT, DANIEL

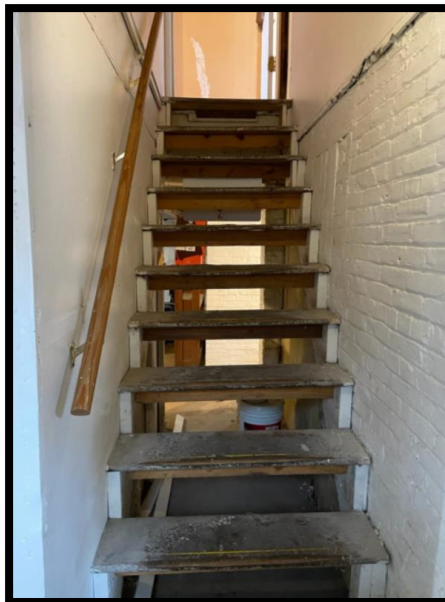
¹ <https://www.thetachi.org/beta-delta>

ERENBERG, CONSTANTINE SEDEREAS, HUNTER PETERSON, DREW UNGARTEN and John Does 1-100 and/or ABC Corp 1 -100 arising from their negligent, careless, reckless and outrageous conduct.

2. This matter arises from the planning, execution and/or requisite knowledge of a pledge hazing activities at the fraternity house of the Beta Delta Chapter of the Theta Chi Fraternity located at 49 Mine Street New Brunswick, New Jersey on the night of March 24, 2022. The defendants negligently, recklessly, and outrageously permitted the Beta Delta Chapter of the Theta Chi Fraternity to force, coerce, encourage, or otherwise cause Rutgers, the State University of New Jersey freshman student, 19-year-old, plaintiff, Armand Runte, a Theta Chi pledge, to consume life-threatening amounts of alcohol, which caused him to become intoxicated, fall down a dangerous flight of stairs, and suffer grievous personal injuries and substantial damages.



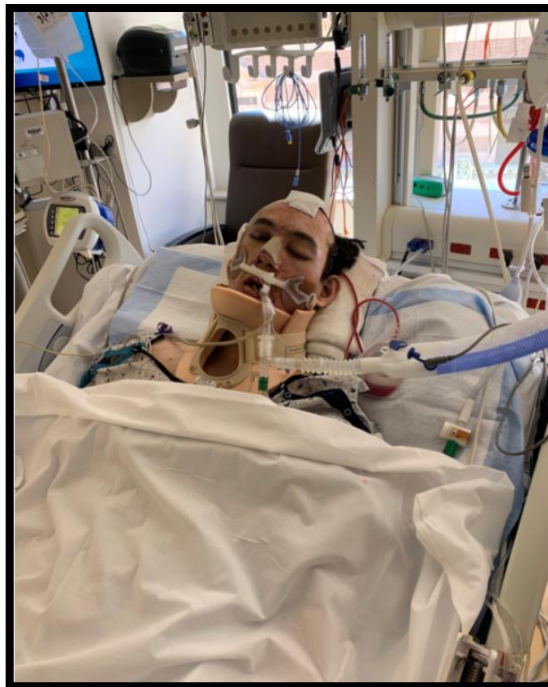
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² A true and correct photograph capturing the stairway within the fraternity house of the Beta Delta Chapter of the Theta Chi Fraternity.

³ A true and correct photograph capturing the stairway within the fraternity house of the Beta Delta Chapter of the Theta Chi Fraternity.



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Defendants demonstrated a complete failure to, *inter alia*, train, supervise, and educate individuals responsible for monitoring, oversight, enforcement, and supervision of the activities and behavior of the Beta Delta Chapter of the Theta Chi Fraternity as well as reasonably implement, transmit, enforce, train, and educate on existing applicable law, precautions, rules, procedures, measures, policies, regulations, and/or plans created for the safety and protection of pledges such as plaintiff. Upon realizing the grave consequences of their conduct, the Fraternity defendants unsuccessfully sought to conceal evidence of their hazing and underage alcohol violations.

Parties

3. At all times material hereto, plaintiff, ARMAND RUNTE, is a citizen and resident of the State of New Jersey, residing therein at the above-captioned address.

⁴ A true and correct photograph of plaintiff, ARMAND RUNTE, after the subject incident.

4. At all times material hereto, defendant, THETA CHI FRATERNITY INC., is a corporation or other business entity, authorized to do business within the State of New Jersey, with principal administrative offices at the above captioned address.

5. At all times material hereto, defendant, THE GRAND CHAPTER OF THETA CHI FRATERNITY INC., is a corporation or other business entity, authorized to do business within the State of New Jersey, with principal administrative offices at the above captioned address.

6. At all times material hereto, defendant, THE FOUNDATION CHAPTER OF THETA CHI FRATERNITY INC., is a corporation or other business entity, authorized to do business within the State of New Jersey, with principal administrative offices at the above captioned address.

7. At all times material hereto, defendant, THE NORWICH HOUSING CORPORATION, is a corporation or other business entity, authorized to do business within the State of New Jersey, with principal administrative offices at the above captioned address.

8. At all times material hereto, defendant, THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER, is a corporation or other business entity, authorized to do business within the State of New Jersey, with principal administrative offices at the above captioned address.

9. At all times material hereto, defendant, THETA CHI ALUMNI CORPORATION, is a corporation or other business entity, authorized to do business within the State of New Jersey, with principal administrative offices at the above captioned address.

10. At all times material hereto, defendant, ROY LEE, is a citizen and resident of the State of New Jersey, residing therein at the above-captioned address.

11. At all times material hereto, defendant, RYLAN CHEW, is a citizen and resident of the State of New Jersey, residing therein at the above-captioned address.

12. At all times material hereto, defendant, GAVIN ROBERTSON, is a citizen and resident of the State of New Jersey, residing therein at the above-captioned address.

13. At all times material hereto, defendant, MICHAEL SEBASTIAN, is a citizen and resident of the State of New Jersey, residing therein at the above-captioned address.

14. At all times material hereto, defendant, GAVEN FERRARO, is a citizen and resident of the State of New Jersey, residing therein at the above-captioned address.

15. At all times material hereto, defendant, MIKE LUONGO, is a citizen and resident of the State of New Jersey, residing therein at the above-captioned address.

16. At all times material hereto, defendant, BRANDON AUFIERO, is a citizen and resident of the State of New Jersey, residing therein at the above-captioned address.

17. At all times material hereto, defendant, MATTHEW BOHINSKI, is a citizen and resident of the State of New Jersey, residing therein at the above-captioned address.

18. At all times material hereto, defendant, JAMES HOLT, is a citizen and resident of the State of New Jersey, residing therein at the above-captioned address.

19. At all times material hereto, defendant, DANIEL ERENBERG, is a citizen and resident of the State of New Jersey, residing therein at the above-captioned address.

20. At all times material hereto, defendant, CONSTANTINE SEDEREAS, is a citizen and resident of the State of New Jersey, residing therein at the above-captioned address.

21. At all times material hereto, defendant, HUNTER PETERSON, is a citizen and resident of the State of New Jersey, residing therein at the above-captioned address.

22. At all times material hereto, defendant, DREW UNGARTEN, is a citizen and resident of the State of New Jersey, residing therein at the above-captioned address.

23. At all times material hereto, defendant, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY, is an entity existing under the law of the State of New Jersey, with principal administrative offices located at the above captioned address.

24. At all times material hereto, defendant, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL, is an entity existing under the law of the State of New Jersey, with principal administrative offices located at the above captioned address.

25. At all times material hereto, defendants, A.B.C. COMPANIES (1-100), are fictional defendants designated as other corporations, partnerships, proprietorships, and/or business entities whose identities are not yet known that were responsible, individually and/or jointly or severally, or by their/its agents, servants, and/or employees, responsible for the care, custody and safety of plaintiff, ARMAND RUNTE, and/or for supervising, monitoring and/or overseeing fraternity events on or about March 24, 2022 and/or their/its actions caused and/or contributed, directly or indirectly to causing the personal injuries and damages suffered by plaintiff and/or are or may be liable to the plaintiff.

26. At all times material hereto, defendants, JOHN DOES (1-100), are fictional defendants designated as other individuals whose identities are not yet known that were responsible, individually and/or jointly or severally, or by their/its agents, servants, and/or employees, responsible for the care, custody and safety of plaintiff, ARMAND RUNTE, and/or for supervising, monitoring and/or overseeing fraternity events on or about March 24, 2022, and/or his/her actions caused and/or contributed, directly or indirectly to causing the personal injuries and damages suffered by plaintiff and/or are or may be liable to the plaintiff.

27. At all times material hereto, defendant(s), THETA CHI FRATERNITY INC. and/or John Does 1-100 and/or ABC Corp 1 -100, was/were acting by and through its/their respective employees, authorized agents, alumni, borrowed servants, officers, staff, administrators, representatives, workers, contractors, servants, volunteers, officers, directors, members, advisers, and managers and/or personnel, who were there and then acting in the course and scope of his/her/their scope of duties, capacities and/or functions for which each person performed in furtherance of defendant(s), THETA CHI FRATERNITY INC. and/or John Does 1-100 and/or ABC Corp 1 -100, business under defendant(s), THETA CHI FRATERNITY INC. and/or John Does 1-100 and/or ABC Corp 1 -100, control and/or right of control.

28. At all times material hereto, defendant(s), THETA CHI FRATERNITY INC. and/or John Does 1-100 and/or ABC Corp 1 -100, was/were responsible for and did, in fact, determine the competency and qualifications or the lack of competency and qualifications of its/their respective employees, authorized agents, alumni, borrowed servants, officers, staff, administrators, representatives, workers, contractors, servants, volunteers, officers, directors, members, advisers, and managers and/or personnel for the duties, capacities and/or functions for which each person performed.

29. At all times material hereto, defendant(s), THETA CHI FRATERNITY INC. and/or John Does 1-100 and/or ABC Corp 1 -100, performed regular, systematic, and continuous business in the County of Middlesex, in the State of New Jersey.

30. At all times material hereto, defendant(s), THE GRAND CHAPTER OF THETA CHI FRATERNITY INC. and/or John Does 1-100 and/or ABC Corp 1 -100, was/were acting by and through its/their respective employees, authorized agents, alumni, borrowed servants, officers, staff, administrators, representatives, workers, contractors, servants, volunteers, officers,

directors, members, advisers, and managers and/or personnel, who were there and then acting in the course and scope of his/her/their scope of duties, capacities and/or functions for which each person performed in furtherance of defendant(s), THE GRAND CHAPTER OF THETA CHI FRATERNITY INC. and/or John Does 1-100 and/or ABC Corp 1 -100, business under defendant(s), THE GRAND CHAPTER OF THETA CHI FRATERNITY INC. and/or John Does 1-100 and/or ABC Corp 1 -100, control and/or right of control.

31. At all times material hereto, defendant(s), THE GRAND CHAPTER OF THETA CHI FRATERNITY INC. and/or John Does 1-100 and/or ABC Corp 1 -100, was/were responsible for and did, in fact, determine the competency and qualifications or the lack of competency and qualifications of its/their respective employees, authorized agents, alumni, borrowed servants, officers, staff, administrators, representatives, workers, contractors, servants, volunteers, officers, directors, members, advisers, and managers and/or personnel for the duties, capacities and/or functions for which each person performed.

32. At all times material hereto, defendant(s), THE GRAND CHAPTER OF THETA CHI FRATERNITY INC. and/or John Does 1-100 and/or ABC Corp 1 -100, performed regular, systematic, and continuous business in the County of Middlesex, in the State of New Jersey.

33. At all times material hereto, defendant(s), THE FOUNDATION CHAPTER OF THETA CHI FRATERNITY INC. and/or John Does 1-100 and/or ABC Corp 1 -100, was/were acting by and through its/their respective employees, authorized agents, alumni, borrowed servants, officers, staff, administrators, representatives, workers, contractors, servants, volunteers, officers, directors, members, advisers, and managers and/or personnel, who were there and then acting in the course and scope of his/her/their scope of duties, capacities and/or functions for which each person performed in furtherance of defendant(s), THE FOUNDATION

CHAPTER OF THETA CHI FRATERNITY INC. and/or John Does 1-100 and/or ABC Corp 1 -100, business under defendant(s), THE FOUNDATION CHAPTER OF THETA CHI FRATERNITY INC. and/or John Does 1-100 and/or ABC Corp 1 -100, control and/or right of control.

34. At all times material hereto, defendant(s), THE FOUNDATION CHAPTER OF THETA CHI FRATERNITY INC. and/or John Does 1-100 and/or ABC Corp 1 -100 was/were responsible for and did, in fact, determine the competency and qualifications or the lack of competency and qualifications of its/their respective employees, authorized agents, alumni, borrowed servants, officers, staff, administrators, representatives, workers, contractors, servants, volunteers, officers, directors, members, advisers, and managers and/or personnel for the duties, capacities and/or functions for which each person performed.

35. At all times material hereto, defendant(s), THE FOUNDATION CHAPTER OF THETA CHI FRATERNITY INC. and/or John Does 1-100 and/or ABC Corp 1 -100, performed regular, systematic, and continuous business in the County of Middlesex, in the State of New Jersey.

36. At all times material hereto, defendant(s), THE NORWICH HOUSING CORPORATION and/or John Does 1-100 and/or ABC Corp 1 -100, was/were acting by and through its/their respective employees, authorized agents, alumni, borrowed servants, officers, staff, administrators, representatives, workers, contractors, servants, volunteers, officers, directors, members, advisers, and managers and/or personnel, who were there and then acting in the course and scope of his/her/their scope of duties, capacities and/or functions for which each person performed in furtherance of defendant(s), THE NORWICH HOUSING CORPORATION and/or John Does 1-100 and/or ABC Corp 1 -100, business under defendant(s), defendant(s),

THE NORWICH HOUSING CORPORATION and/or John Does 1-100 and/or ABC Corp 1 -100, control and/or right of control.

37. At all times material hereto, defendant(s), THE NORWICH HOUSING CORPORATION and/or John Does 1-100 and/or ABC Corp 1 -100, was/were responsible for and did, in fact, determine the competency and qualifications or the lack of competency and qualifications of its/their respective employees, authorized agents, alumni, borrowed servants, officers, staff, administrators, representatives, workers, contractors, servants, volunteers, officers, directors, members, advisers, and managers and/or personnel for the duties, capacities and/or functions for which each person performed.

38. At all times material hereto, defendant(s), THE NORWICH HOUSING CORPORATION and/or John Does 1-100 and/or ABC Corp 1 -100, performed regular, systematic, and continuous business in the County of Middlesex, in the State of New Jersey.

39. At all times material hereto, defendant(s), THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER, and/or John Does 1-100 and/or ABC Corp 1 -100, was/were acting by and through its/their respective employees, authorized agents, alumni, borrowed servants, officers, staff, administrators, representatives, workers, contractors, servants, volunteers, officers, directors, members, advisers, and managers and/or personnel, who were there and then acting in the course and scope of his/her/their scope of duties, capacities and/or functions for which each person performed in furtherance of defendant(s), THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER, and/or John Does 1-100 and/or ABC Corp 1 -100, business under defendant(s), THETA CHI ALUMNI ASSOCIATION

A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER, and/or John Does 1-100 and/or ABC Corp 1 -100, control and/or right of control.

40. At all times material hereto, defendant(s), THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER, and/or John Does 1-100 and/or ABC Corp 1 -100, was/were responsible for and did, in fact, determine the competency and qualifications or the lack of competency and qualifications of its/their respective employees, authorized agents, alumni, borrowed servants, officers, staff, administrators, representatives, workers, contractors, servants, volunteers, officers, directors, members, advisers, and managers and/or personnel for the duties, capacities and/or functions for which each person performed.

41. At all times material hereto defendant(s), THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER, and/or John Does 1-100 and/or ABC Corp 1 -100, performed regular, systematic, and continuous business in the County of Middlesex, in the State of New Jersey.

42. At all times material hereto, defendant(s), THETA CHI ALUMNI CORPORATION, and/or John Does 1-100 and/or ABC Corp 1 -100, was/were acting by and through its/their respective employees, authorized agents, alumni, borrowed servants, officers, staff, administrators, representatives, workers, contractors, servants, volunteers, officers, directors, members, advisers, and managers and/or personnel, who were there and then acting in the course and scope of his/her/their scope of duties, capacities and/or functions for which each person performed in furtherance of defendant(s), THETA CHI ALUMNI CORPORATION, and/or John Does 1-100 and/or ABC Corp 1 -100, business under defendant(s), THETA CHI

ALUMNI CORPORATION and/or John Does 1-100 and/or ABC Corp 1 -100, control and/or right of control.

43. At all times material hereto, defendant(s), THETA CHI ALUMNI CORPORATION and/or John Does 1-100 and/or ABC Corp 1 -100, was/were responsible for and did, in fact, determine the competency and qualifications or the lack of competency and qualifications of its/their respective employees, authorized agents, alumni, borrowed servants, officers, staff, administrators, representatives, workers, contractors, servants, volunteers, officers, directors, members, advisers, and managers and/or personnel for the duties, capacities and/or functions for which each person performed.

44. At all times material hereto defendant(s), THETA CHI ALUMNI CORPORATION and/or John Does 1-100 and/or ABC Corp 1 -100, performed regular, systematic, and continuous business in the County of Middlesex, in the State of New Jersey.

45. In addition to being directly liable for the negligence, carelessness, reckless and wrongful acts and omissions detailed within this complaint, plaintiff pleads in the alternative that all individual and corporate Fraternity defendants including defendants, THETA CHI FRATERNITY INC., THE GRAND CHAPTER OF THETA CHI FRATERNITY INC., THE FOUNDATION CHAPTER OF THETA CHI FRATERNITY INC., THE NORWICH HOUSING CORPORATION, THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER, THETA CHI ALUMNI CORPORATION, ROY LEE, RYLAN CHEW, GAVIN ROBERTSON, MICHAEL SEBASTIAN, GAVEN FERRARO, MIKE LUONGO, BRANDON AUFIERO, MATTHEW BOHINSKI, JAMES HOLT, DANIEL ERENBERG, CONSTANTINE SEDEREAS, HUNTER PETERSON, DREW UNGARTENAND and/or John Does 1-100 and/or ABC Corp 1 -100

(hereinafter collectively referred to as “FRATERNITY DEFENDANTS”), are also vicariously liable and responsible for each and every act and omission stated herein and the resulting damages. More specifically, FRATERNITY DEFENDANTS are directly and vicariously liable and responsible for the negligent, careless, reckless, and wrongful conduct detailed within this Complaint under one or more of the following alternative legal theories:

- a. ***Alter ego:*** At all times material to this lawsuit all FRATERNITY DEFENDANTS were alter egos of one another.
- b. ***Agency:*** At all times material to this lawsuit, all FRATERNITY DEFENDANTS acted as agents for one another and ratified or authorized the acts or omissions of one or more of the other Defendants.
- c. ***Joint Enterprise:*** In the alternative, to the extent FRATERNITY DEFENDANTS are found to be separate corporate defendants each remain liable for acts and omissions of each other because the corporate defendants/owners engaged in a joint venture and enterprise to act in concert in the operation, management, and maintenance of the business. The corporate defendants/owners agreed to a common purpose of operating, managing and maintaining the business. The corporate defendants/owners had equal rights to control their venture as a whole, as well as to control the operation and management of the business and the indirect and direct owners profit therefrom.

46. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, was/were acting by and through its/their respective employees, authorized agents, borrowed servants, officers, staff, administrators, representatives, workers, contractors, servants, and/or personnel, who were there and then acting in the course and scope of his/her/their scope of duties and/or functions for which each person was hired to perform in furtherance of defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, business under defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, control and/or right of control.

47. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, was/were responsible for and did, in fact, determine the competency and qualifications or the lack of competency and qualifications of its/their respective employees, authorized agents, borrowed servants, officers, staff, administrators, representatives, workers, contractors, servants, and/or personnel for the job duties and functions for which each person was hired to perform.

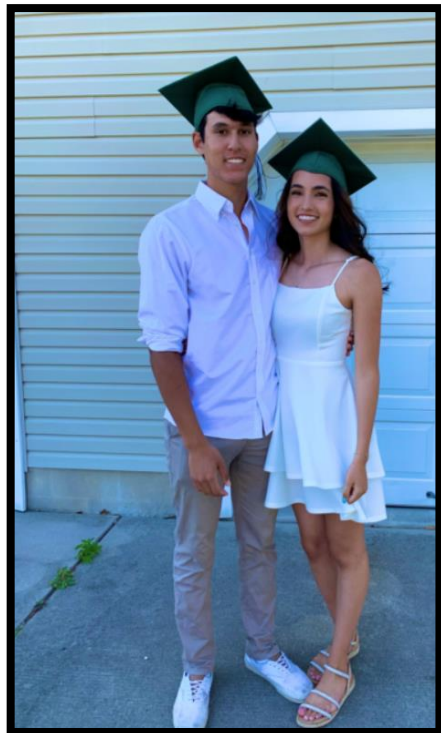
48. At all times material hereto defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, performed regular, systematic, and continuous business in the County of Middlesex, in the State of New Jersey.

49. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, was/were acting by and through its/their respective employees, authorized agents, alumni, borrowed servants, officers, staff, administrators, representatives, workers, contractors, servants, volunteers, officers, directors, members, advisers, and managers and/or personnel, who were there and then acting in the course and scope of his/her/their scope of duties, capacities and/or functions for which each person performed in furtherance of defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, business under defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, control and/or right of control.

50. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, was/were responsible for and did, in fact, determine the competency and qualifications or the lack of competency and qualifications of its/their respective employees, authorized agents, alumni, borrowed servants, officers, staff, administrators, representatives, workers, contractors, servants, volunteers, officers, directors, members, advisers, and managers and/or personnel for the duties, capacities and/or functions for which each person performed.

51. At all times material hereto defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, performed regular, systematic, and continuous business in the County of Middlesex, in the State of New Jersey.

PLAINTIFF PRIOR TO MARCH 24, 2022



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⁵ A photograph capturing plaintiff with his twin sister prior to the subject incident.

52. At all times material hereto, plaintiff, ARMAND RUNTE, was a freshman, 19-year-old student that attended defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, New Brunswick campus.

53. At all times material hereto, the Theta Chi Fraternity chapter located at defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, was identified as the Beta Delta Chapter of the Theta Chi Fraternity.

54. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, was and is a higher education institution which “recognized” as a “school organization”, a Greek system of “recognized” fraternities and sororities including, but not limited to the Theta Chi Fraternity.

Recognized Chapters

A “recognized” fraternity or sorority is one that is in good standing with Rutgers. All recognized fraternities and sororities have worked hard to earn their official status. These organizations have the privilege of using college facilities, equipment, tabling, posting, holding meetings and/or programs on campus, inducting new members that will be recognized by the university, and participating in campus events such as the Involvement Fair, Bed Races, and the Marathon.

Interfraternity Council

<ul style="list-style-type: none"> • Alpha Epsilon Pi • Alpha Kappa Lambda • Alpha Phi Delta • Alpha Sigma Phi • Chi Phi • Chi Psi • Delta Chi • Delta Phi • Delta Upsilon • Kappa Sigma (new Fall 22) • Phi Gamma Delta • Phi Kappa Psi 	<ul style="list-style-type: none"> • Phi Kappa Tau • Phi Mu Delta • Phi Sigma Kappa • Pi Kappa Phi • Sigma Alpha Epsilon • Sigma Beta Rho • Sigma Chi • Sigma Phi Epsilon • Sigma Pi • Theta Chi • Zeta Beta Tau • Zeta Psi
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⁶ <https://greeklife.rutgers.edu/chapters/recognized-chapters>

55. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, maintained a dedicated office, the Office of Fraternity and Sorority Affairs (hereinafter “OFSA”), which, *inter alia*, controlled the Greek system Fraternities, Sororities, and other Fraternal Organizations, including the Beta Delta Chapter of Theta Chi Fraternity.

56. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, maintained a dedicated Counsel which, *inter alia*, controlled the Greek system Fraternities, including the Beta Delta Chapter of Theta Chi Fraternity.

Interfraternity Council (IFC)

What is the Interfraternity Council (IFC)?

The Interfraternity Council (IFC) is a self-governing body representing almost 30 member fraternities at Rutgers University. The IFC consists of an Executive Board and the Presidents’ Council composed of the chapter president of each member fraternity. It is our goal to provide our community with any assistance they might need while promoting the fraternal movement at Rutgers.

We strive to promote excellence in all aspects of fraternity life – as scholars, servants, leaders and friends. The fraternities work together to help the entire Fraternity and Sorority community better achieve its common goal of membership development and service to the Rutgers and New Brunswick Communities. Serving the IFC provides an arena in which members are able to strengthen and enhance the quality of Greek life on campus.

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57. At all times material hereto, the Beta Delta Chapter of the Theta Chi Fraternity is/was comprised of students that attend defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100.⁸

⁷ <https://greeklife.rutgers.edu/councils/interfraternity-council-ifc>

⁸ <https://www.thetachi.org/beta-delta>

58. At all times material hereto, the Bata Delta Chapter of the Theta Chi Fraternity has/had a fraternity house located on 49 Mine Street, New Brunswick, New Jersey 08901 (hereinafter also referred to as “the premises.”)



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59. At all times material hereto, plaintiff, ARMAND RUNTE, while in his second semester as a student at defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, New Brunswick campus sought to join membership to a Fraternity.

60. At all times material hereto, ALL DEFENDANTS created a “rush process” for students that sought an opportunity to join membership to a Fraternity.

61. At all times material hereto, plaintiff, ARMAND RUNTE, qualified and participated in the “rush process.”

62. At all times material hereto, as a pre-requisite to Fraternity membership, plaintiff, ARMAND RUNTE, received and accepted a “bid” during the “rush process” to become a “pledge” of the Bata Delta Chapter of the Theta Chi Fraternity.

63. At all times material hereto, plaintiff, ARMAND RUNTE, would need to complete a pledge process in order to become a member of the Theta Chi Fraternity.

⁹ <https://ruthetachi.wixsite.com/betadelta/contact-us>

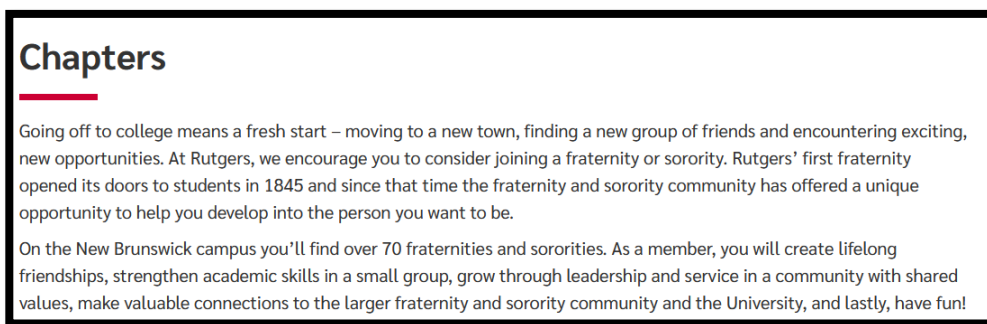
64. At all times material hereto, during the pledge process, plaintiff, ARMAND RUNTE, was hazed by Bata Delta Chapter of the Theta Chi Fraternity while a pledge on multiple occasions including, but not limited to the subject event.

65. At all times material hereto, during the pledge process on multiple occasions including, but not limited to the subject event, plaintiff, ARMAND RUNTE, was forced, coerced, encouraged, or otherwise caused to consume alcoholic beverages despite being under the age of 21 by members of the Bata Delta Chapter of the Theta Chi Fraternity and at the premises.

DEFENDANT, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY, OVERVIEW

66. At all times material hereto, plaintiff, ARMAND RUNTE, paid valuable consideration defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, to be a student.

67. At all times material hereto defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, hosts/hosted over 70 fraternities and sororities on its New Brunswick campus.



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68. At all times material hereto, the Beta Delta Chapter of the Theta Chi Fraternity was recognized, approved, and existed as an active Fraternity Chapter on its New Brunswick

¹⁰ <https://greeklife.rutgers.edu/chapters>

campus pursuant to the authority granted by defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100.

69. At all times material hereto defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, details the benefits of joining a fraternity student organization on it's website:

What do fraternities and sororities do? What are the benefits of joining?

Fraternities and sororities were first founded in the late 1700s as opportunities for students to gather outside of the classroom to debate and discuss their coursework free from professors and other administrators. As these literary societies evolved over time, friendship, campus leadership and service to others also became part of their organizational mission.

These concepts of leadership, scholarship, service and friendship for life still exist in today's fraternities and sororities. No matter what fraternity or sorority a student may join, members participate in programs that encourage academic success, offer opportunities to serve the community, lead their peers and develop deep friendships. Membership in a fraternity or sorority lasts a lifetime. While other student organizations have a membership expiration date, fraternity/sorority membership goes with students as they graduate and begin their life's work.

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70. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, promoted itself based on the existence of the Bata Delta Chapter of the Theta Chi Fraternity.

71. At all times material hereto defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, has benefited financially as well as promotionally from the Beta Delta chapter of Theta Chi Fraternity as an incentive for individuals seeking a "Greek Life" as part of their college experience to attend defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100.

¹¹ <https://greeklife.rutgers.edu/join-our-community/parentfamily-faqs>

72. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, undertook and/or assumed a duty to protect and/or keep its students and student organizations, including, but not limited to recognized Fraternities, Sororities, and other Fraternal Organizations safe by acting as a governing body.

73. At all times material hereto, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed a duty to protect and/or keep the Beta Delta Chapter of the Theta Chi Fraternity, fraternity house, pledges, and chapter guests safe by acting as a governing body.

74. At all times material hereto, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, undertook and/or assumed the duty to control and monitor the behavior and activities of its students and student organizations, including, but not limited to recognized Fraternities, Sororities, and other Fraternal Organizations by acting as a governing body.

75. At all times material hereto, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, undertook and/or assumed the duty to control and monitor the behavior and activities of the Beta Delta Chapter of the Theta Chi Fraternity by acting as a governing body.

76. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed the duty to control and monitor the behavior and activities of its students and student organizations, including, but not limited to recognized Fraternities, Sororities, and other Fraternal Organizations, including the Beta Delta Chapter of Theta Chi Fraternity.

77. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, has promulgated rules, regulations, standards, guidelines, and policies for its students and student organizations, including, but not limited to recognized Fraternities, Sororities, and other Fraternal Organizations, including the Beta Delta Chapter of Theta Chi Fraternity, published on its website, which includes, but not limited to: “Good Standing”; “Hazing Compliance Policy”, “Membership Selection Policy”, “Social Event Policy”, “Social Event Operating Procedures”, “Membership Policy”, “Viability Policy”, “Code of Student Conduct”; “Safety Policies and Guidelines”, “Social Event Policy”, “Social Event Operating Procedures” “Requirements for Continued Recognition”, and “Standards of Conduct [for] Student Organization Policies and Procedures (hereinafter collectively referred to as “University Rules, Policies, and Regulations.”)^{12 13}

78. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, recognized Fraternities, Sororities, and other Fraternal Organizations, including the Beta Delta Chapter of Theta Chi Fraternity, was/were required to follow all University Rules, Policies, and Regulations which included numerous consequences, punishments, and penalties for violations.

79. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed a duty to control and monitor the behavior and activities of recognized Fraternities, Sororities, and other Fraternal Organizations, including the Beta Delta Chapter of Theta Chi

¹² <https://greeklife.rutgers.edu/standards-accountability/policies>

¹³ <https://studentconduct.rutgers.edu/processes/university-code-student-conduct>

Fraternity, as set forth in its University Rules, Policies, and Regulations which included numerous consequences, punishments, and penalties for violations.¹⁴

80. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed a duty to reasonably implement University Rules, Policies, and Regulations so as to protect and/or keep students and student organizations, including, but not limited to recognized Fraternities, Sororities, and other Fraternal Organizations safe.

81. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed a duty to provide reasonable education and/or training of University Rules, Policies, and Regulations to students and student organizations, including, but not limited to recognized Fraternities, Sororities, and other Fraternal Organizations, including the Beta Delta Chapter of Theta Chi Fraternity.

82. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed a duty to reasonably supervise the behavior and activities of the Beta Delta Chapter of Theta Chi Fraternity.

83. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed a duty to reasonably supervise compliance of University Rules, Policies, and Regulations by its students and student organizations, including, but not limited to recognized

¹⁴ *Rutgers Student Affairs Standards of Conduct Student Organization Policies and Procedures.*

Fraternities, Sororities, and other Fraternal Organizations, including the Beta Delta Chapter of Theta Chi Fraternity.

84. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed a duty to provide a reasonable investigation into compliance of University Rules, Policies, and Regulations by students and student organizations, including, but not limited to recognized Fraternities, Sororities, and other Fraternal Organizations, including the Beta Delta Chapter of Theta Chi Fraternity.

85. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed a duty to provide reasonable punishment for noncompliance of University Rules, Policies, and Regulations by students and student organizations, including, but not limited to recognized Fraternities, Sororities, and other Fraternal Organizations, including the Beta Delta Chapter of Theta Chi Fraternity.

86. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, requires/required recognized Fraternities, Sororities, and other Fraternal Organizations, including the Beta Delta Chapter of Theta Chi Fraternity to adhere to defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, adopted risk management policy guidelines.

87. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, requires/required recognized Fraternities, Sororities, and other Fraternal Organizations, including

the Beta Delta Chapter of Theta Chi Fraternity to have liability insurance coverage with mandatory coverages.

88. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, requires/required recognized Fraternities, Sororities, and other Fraternal Organizations, including the Beta Delta Chapter of Theta Chi Fraternity to have specific positions to work with OFSA.

89. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, requires/required recognized Fraternities, Sororities, and other Fraternal Organizations, including the Beta Delta Chapter of Theta Chi Fraternity to provide OFSA with all information on pledge activities, events and/or rituals.

90. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, requires/required recognized Fraternities, Sororities, and other Fraternal Organizations, including the Beta Delta Chapter of Theta Chi Fraternity to participate in all workshops, seminars, and programs sponsored by OFSA and defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100.

91. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, was or should have been aware the Beta Delta Chapter of the Theta Chi Fraternity had accepted new pledges, including, but not limited to, plaintiff.

92. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, was or should have been aware of all pledge events, activities, and /or traditions would be attended by pledges of the Beta Delta Chapter of the Theta Chi Fraternity.

93. At all times material, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, held or should have held meetings including, *inter alia*, discussions of events, activities and/or traditions involving potential new members of the Beta Delta Chapter of the Theta Chi Fraternity.

94. At all times material, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, held or should have held meetings including, *inter alia*, discussions of events, activities and/or traditions involving pledges of the Beta Delta Chapter of the Theta Chi Fraternity.

95. At all times material, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, held or should have held meetings including, *inter alia*, discussions of events, activities and/or traditions involving alcohol at the Beta Delta Chapter of the Theta Chi Fraternity.

96. At all times material, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, held or should have held meetings including, *inter alia*, discussions of hazing pledges at events, activities and/or traditions held/hosted by and/or including the Beta Delta Chapter of the Theta Chi Fraternity.

**DEFENDANT, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY
INTERFRATERNITY COUNCIL, OVERVIEW**

97. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100

and/or ABC Corp 1 -100, is a separate entity from defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100.

98. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, is a governing body with members only from recognized fraternities at defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100.

99. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, is required to have separate insurance coverage from defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100.

100. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, is a government structure that, *inter alia*, creates standards, supervision, training, monitoring, and oversight to recognized Fraternities at defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100.

101. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, promoted itself based on the existence of the Bata Delta Chapter of the Theta Chi Fraternity.

102. At all times material hereto defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, has benefited financially as well as promotionally from the Beta Delta chapter of Theta Chi Fraternity by the continued availability of Fraternities being one of the student activities available to students that attend defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100.

103. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, undertook and/or assumed a duty to protect and/or keep recognized Fraternities safe by acting as a governing body.

104. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed a duty to protect and/or keep the Beta Delta Chapter of the Theta Chi Fraternity, fraternity house, pledges, and chapter guests safe by acting as a governing body.

105. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed the duty to control and monitor the behavior and activities of Fraternities and members by acting as a governing body, including the Beta Delta Chapter of Theta Chi Fraternity.

106. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed a duty to reasonably implement recognized

applicable risk management precautions, rules, procedures, measures policies, regulations and/or plans to recognized Fraternities including the Beta Delta Chapter of Theta Chi Fraternity.

107. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed a duty to control and monitor the behavior and activities of recognized Fraternities, including the Beta Delta Chapter of Theta Chi Fraternity as set forth in recognized applicable precautions, rules, procedures, measures policies, regulations and/or plans.

108. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed a duty to reasonably implement recognized applicable precautions, rules, procedures, measures policies, regulations and/or plans to recognized Fraternities including the Beta Delta Chapter of Theta Chi Fraternity.

109. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed a duty to reasonably implement safety education and/or training to recognized Fraternities including the Beta Delta Chapter of Theta Chi Fraternity.

110. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed a duty to reasonably supervise compliance of applicable precautions, rules, procedures, measures policies, regulations and/or plans to recognized Fraternities including the Beta Delta Chapter of Theta Chi Fraternity.

111. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed a duty to reasonably supervise the behavior and activities of the Beta Delta Chapter of Theta Chi Fraternity.

112. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed a duty to provide a reasonable investigation into compliance with applicable precautions, rules, procedures, measures policies, regulations and/or plans to recognized Fraternities including the Beta Delta Chapter of Theta Chi Fraternity.

113. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, had and/or assumed a duty to provide reasonable punishment for noncompliance with applicable precautions, rules, procedures, measures policies, regulations and/or plans to recognized Fraternities including the Beta Delta Chapter of Theta Chi Fraternity.

114. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, was or should have been aware the Beta Delta Chapter of the Theta Chi Fraternity had accepted new pledges, including, but not limited to, plaintiff.

115. At all times material, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, held or should have held meetings including, *inter alia*, discussions of events, activities and/or traditions involving potential new members of the Beta Delta Chapter of the Theta Chi Fraternity.

116. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, held or should have held meetings including, *inter alia*, discussions of events, activities and/or traditions involving pledges of the Beta Delta Chapter of the Theta Chi Fraternity.

117. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, was or should have been aware of all pledge events, activities, and /or traditions would be attended by pledges of the Beta Delta Chapter of the Theta Chi Fraternity.

118. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, held or should have held meetings including, *inter alia*, discussions of events, activities and/or traditions involving alcohol at the Beta Delta Chapter of the Theta Chi Fraternity.

119. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, held or should have held meetings including, *inter alia*, discussions of hazing pledges at events, activities and/or traditions held/hosted by and/or including the Beta Delta Chapter of the Theta Chi Fraternity.

FRATERNITY DEFENDANTS OVERVIEW

120. At all times material hereto, the Constitution and Bylaws of defendant(s), defendant(s), THETA CHI FRATERNITY INC. and/or John Does 1-100 and/or ABC Corp 1 -100, is the supreme law of the Fraternity, and specifically states “any bylaw, regulation,

legislation, or resolution of any chapter of the Fraternity in conflict with any of the foregoing shall be null and void.”

Section 4. Governing Documents

The Constitution and Bylaws of Theta Chi Fraternity, Inc. (the “Bylaws”) shall be the supreme law of the Fraternity. Except as provided in these Bylaws, the governing law of the Fraternity shall be the resolutions of the International Convention and the resolutions of the Grand Chapter, ranking in that order. Any bylaw, regulation, legislation or resolution of any chapter of the Fraternity in conflict with any of the foregoing shall be null and void. The Ritual of the Fraternity, including all ceremonies provided for therein, as in effect from time to time, shall be deemed incorporated into these Bylaws, and any amendment, alteration or repeal of any portion of said Ritual shall be made only in accordance with Article IX, Section 2, treating the proposed amendment, alteration or repeal as one being made to these Bylaws.

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121. At all times material hereto, defendant(s), THETA CHI FRATERNITY INC. and/or John Does 1-100 and/or ABC Corp 1 -100, was established, *inter alia*, to maintain, govern, improve, and promote the welfare of a fraternal order to be known as the “Theta Chi Fraternity.”¹⁶

122. At all times material hereto, the Theta Chi Fraternity consists, *inter alia*, of defendant(s), THETA CHI FRATERNITY INC. and/or John Does 1-100 and/or ABC Corp 1 - 100, Theta Chi Chapter, and active chapters, members, and pledges at recognized institutions of higher learning in the United States and Canada.

Section 2. Composition of Fraternity

The Fraternity shall consist of the Corporation, active chapters established and existing from time to time at recognized institutions of higher learning in the United States of America and Canada, Theta Chi Chapter, and the members and Pledges of the Fraternity. No other corporation, association or other body shall be deemed to be a constituent part of the Fraternity, but nothing in this Section shall limit the right and power of one or more members to form any such corporation, association or other entity for assisting the Fraternity or one or more of its active chapters in achieving the objects of the Fraternity.

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123. At all times material hereto, the business of the Fraternity is conducted and controlled at the “International Convention”, and each collegiate chapter, along with an alumni

¹⁵ *The Constitution and Bylaws of Theta Chi Fraternity Inc. Article I Section 4.*

¹⁶ *The Constitution and Bylaws of Theta Chi Fraternity Inc. Article I Section 1.*

¹⁷ *The Constitution and Bylaws of Theta Chi Fraternity Inc. Article I Section 2.*

member of that chapter, is a voting delegate of the International Convention, and required to participate or face probation and fines.¹⁸

124. At all times material hereto, the Beta Delta Chapter of the Theta Chi Fraternity, Beta Delta Chapter members, and the Beta Delta Chapter fraternity house was/were under joint, and/or several and/or vicarious control of:

- a) **“NATIONAL FRATERNITY DEFENDANTS”**: defendants, THETA CHI FRATERNITY INC., THE GRAND CHAPTER OF THETA CHI FRATERNITY INC., THE FOUNDATION CHAPTER OF THETA CHI FRATERNITY INC., THE NORWICH HOUSING CORPORATION, and/or John Does 1-100 and/or ABC Corp 1 -100; and,
- b) **“LOCAL ALUMNI FRATERNITY DEFENDANTS”**: defendants, THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER, THETA CHI ALUMNI CORPORATION and/or John Does 1-100 and/or ABC Corp 1 -100; and,
- c) **“LOCAL EXECUTIVE FRATERNITY DEFENDANTS”**: defendants, ROY LEE, RYLAN CHEW, GAVIN ROBERTSON, MICHAEL SEBASTIAN, GAVEN FERRARO, MIKE LUONGO, BRANDON AUFIERO, MATTHEW BOHINSKI, JAMES HOLT, DANIEL ERENBERG, CONSTANTINE SEDEREAS, HUNTER PETERSON, DREW UNGARTEN¹⁹ and/or John Does 1-100 and/or ABC Corp 1 -100.

NATIONAL FRATERNITY DEFENDANTS OVERVIEW

125. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS jointly and/or severally and/or vicariously controlled operation of the Theta Chi Fraternity, a men’s college fraternity with more than 200,000 initiated members including some 8,700 collegiate members over 159 active chartered recognized chapters and 3 official colonies at institutions of higher learning throughout the United States and Canada.²⁰

¹⁸ *The Constitution and Bylaws of Theta Chi Fraternity Inc. Article II Section 4.*

¹⁹ *DREW UNGARTEN was a member of Beta Delta who served in a leadership executive capacity for the subject event of March 24, 2022.*

²⁰ *<https://www.thetachi.org/about>*

126. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously has/had the authority to establish new chapters, approve their members; determine when a chapter becomes active, and the amount of expenses and fees charged for its formation.²¹

Section 1. Name, Role and Powers

The term Grand Chapter shall mean and refer to the Board of Directors of the Corporation. The Grand Chapter shall be the administrative, executive and judicial head of the Fraternity, and shall have, in addition to the powers expressly provided for elsewhere in these Bylaws, the power to decide all questions concerning the meaning and interpretation of these Bylaws and the Ritual, and the power to adopt such other resolutions, not inconsistent with these Bylaws, the Ritual or resolutions adopted by the International Convention, as shall be necessary or appropriate for the welfare of the Fraternity.

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127. At all times material hereto, the Beta Delta Chapter of the Theta Chi Fraternity was chartered, recognized, approved, and existed pursuant to the authority granted by NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously as an active Chapter of the Theta Chi Fraternity.

128. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously promoted itself based on the existence of the Beta Delta Chapter of the Theta Chi Fraternity.

129. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously has benefited financially as well as promotionally from the Beta Delta Chapter of Theta Chi Fraternity.

130. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously undertook and/or assumed a duty to protect and/or keep

²¹ *The Constitution and Bylaws of Theta Chi Fraternity Inc. Article IV Sections 2 and 3.*

²² *The Constitution and Bylaws of Theta Chi Fraternity Inc. Article II Section 1.*

fraternity chapters, chapter members, chapter fraternity houses, alumni, pledges, and chapter guests safe.

131. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to protect and/or keep the Beta Delta Chapter of the Theta Chi Fraternity, fraternity house, chapter members, alumni, pledges, and chapter guests safe.

132. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously, had undertaken and/or assumed the duty to control and monitor the behavior and activities of fraternity chapters, chapter members, and fraternity chapter houses by acting as a governing body.

133. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously assumed the duty to control and monitor the behavior and activities of the Beta Delta Chapter of the Theta Chi Fraternity by acting as a governing body.

134. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously has/had promulgated rules, regulations, standards, guidelines, and policies for, *inter alia*, its chapters, chapter members, alumni, fraternity houses, published on its website, which includes, but not limited to: “The Constitution and Bylaws of Theta Chi Fraternity, Inc.”, “Safety Standards Manual”, “Chapter Advisory Board Manual”, “Theta Chi Fraternity Insurance and Claim Manual”, “A Resource Guide for the Vice President of Health and Safety”, and, “Theta Chi Fraternity Chapter Advisory Board Manual (hereinafter collectively referred to as “Fraternity Rules, Policies, and Regulation.”)”²³

²³ <https://www.thetachi.org/constitution-and-bylaws>

135. At all times material hereto, all NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously chapters, chapter fraternity houses, chapter members, and alumni was/were required to follow all Fraternity Rules, Policies, and Regulations which included numerous consequences, punishments, and penalties for violations.

136. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to control and monitor the behavior and activities of chapters, chapter fraternity houses, chapter members, and alumni as set forth in its Fraternity Rules, Policies, and Regulations which included numerous consequences, punishments, and penalties for violations.

137. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to reasonably implement Fraternity Rules, Policies, and Regulations with chapters, chapter members, and alumni to keep chapters, chapter fraternity houses, chapter members, alumni, pledges, and guests safe.

138. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to provide chapters, chapter members and alumni with reasonable education and/or training on Fraternity Rules, Policies, and Regulations in order to keep chapters, chapter fraternity houses, chapter members, alumni, pledges and guests safe.

139. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to reasonably supervise chapters, chapter members, and alumni compliance of Fraternity Rules, Policies, and Regulations to keep chapters, chapter fraternity houses, chapter members, alumni, pledges and guests safe.

140. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to reasonably supervise Beta Delta Chapter of the Theta Chi Fraternity, fraternity house and chapter members.

141. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to provide a reasonable investigation into compliance with Fraternity Rules, Policies, and Regulations by chapters, chapter members, and alumni in order to keep chapters, chapter fraternity houses, chapter members, alumni, pledges and guests safe.

142. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to provide reasonable punishment for noncompliance with Fraternity Rules, Policies, and Regulations by chapters, chapter members, and alumni to keep chapters, chapter fraternity houses, chapter members, alumni, pledges, and guests safe.

143. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously required local chapters, chapter houses, chapter members, and alumni to use and adhere to NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously adopted risk management policy guidelines.

144. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously require local chapters, chapter houses, chapter members, and alumni to participate in a liability plan whereby liability insurance must be purchased through NATIONAL FRATERNITY DEFENDANTS, with specific minimum coverages.

145. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously require/required local chapters, chapter houses, chapter

members, and alumni to use a financial collection service selected by NATIONAL FRATERNITY DEFENDANTS.

146. At all times material hereto, prior to being offered membership to Theta Chi, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously require/required pledges to, *inter alia*, pay a pledge fee, pay an initiation fee, be enrolled at the College/University with which the local chapter is affiliated and have a minimum GPA.

147. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously have the exclusive powers, authority, and abilities over chapters and chapter members to, *inter alia*,:

- a) Discipline any chapter for a period of time, including placing the chapter on probation;
- b) Revoke chapter's authority to operate;
- c) Impose any sanctions on a chapter lesser than probation or revocation;
- d) Place any limitation on the activities of a chapter;
- e) Prevent a chapter from extending an invitation to and/or initiating new members or conducting any pledge activities;
- f) Specify affirmative requirements on a chapter's conduct, and restrict a chapter to conducting only those activities specified by defendants;
- g) Establish a committee to guide a chapter, assist in it's recruitment, education and initiation of pledges, and in any other activities necessary to ensure its successful completion of any sanction placed on it by defendants;
- h) Interview and investigate any members or chapter;
- i) Suspend or expel any member of a chapter;
- j) Remove and replace any or all officers of a chapter; and,
- k) Take immediate possession of a revoked chapter's records, ritual books, minutes, and correspondence.²⁴

148. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS jointly and/or severally and/or vicariously have the exclusive powers, authority, and abilities to control the organization and conduct of the chapters by mandating, *inter alia*:

- a) The titles and duties of chapter's officer positions, elections, powers and process for removing officers;

²⁴ *The Constitution and Bylaws of Theta Chi Fraternity Inc. Article IV Sections 2 and 4.*

- b) When and how the chapters will meet, manage, and transact business and handle finances;
- c) Policies requiring members to live in a chapter house;
- d) Policies establishing the eligibility of a Pledge and length of time a chapter can initiate a Pledge;
- e) The amount of Pledge and initiation fees charged by a chapter, and the materials that a new member will be provided;
- f) The circumstances and process by which a chapter can discipline or expel one of its members;
- g) Policies requiring a minimum size of a chapter;
- l) Requirement of completing a Safety Standards Verification Form;
- m) The logo and official colors be used at the local chapter house and on various publications, banners and paraphernalia of the local chapter;
- n) The official pledge protocols;
- o) Comply with the official anti-hazing and alcohol abuse policies;
- p) Requiring the Board Members of a Chapter to read and understand The Constitution and Bylaws of Theta Chi Fraternity, Inc.;
- q) Have a Chapter Advisory Board to assist in recruitment, training and accreditation and serve as a communication link and liaison to the international headquarters;
- r) Meetings with its members regularly and sets the order and subject matter;
- s) Pledge education program curriculum in order to prepare pledges for full membership in Theta Chi Fraternity; and,
- t) The terms and conditions of policies involving risk management, safety, and insurance.²⁵

149. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously was or should have been aware the Beta Delta Chapter of the Theta Chi Fraternity had accepted new pledges, including, but not limited to, plaintiff.

150. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously was or should have been aware of pledge events, activities and /or traditions of the Beta Delta Chapter of the Theta Chi Fraternity.

151. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, required the Beta Delta Chapter of the Theta Chi Fraternity provide a chapter advisor from NATIONAL

²⁵ *The Constitution and Bylaws of Theta Chi Fraternity Inc. Articles V and VI.*

FRATERNITY DEFENDANTS to work and attend meetings with a person appointed and trained by NATIONAL FRATERNITY DEFENDANTS.

152. At all times material, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously held or should have held meetings which included, *inter alia*, discussions of potential new members of the Beta Delta Chapter of the Theta Chi Fraternity.

153. At all times material, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously held or should have held meetings which included, *inter alia*, discussions of pledges of the Beta Delta Chapter of the Theta Chi Fraternity.

154. At all times material, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously held or should have held meetings which included, *inter alia*, discussions of events, activities and/or traditions involving potential new members of the Beta Delta Chapter of the Theta Chi Fraternity.

155. At all times material, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously held or should have held meetings which included, *inter alia*, discussions of events, activities and/or traditions involving pledges of the Beta Delta Chapter of the Theta Chi Fraternity.

156. At all times material, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously held or should have held meetings which included, *inter alia*, discussions of events, activities and/or traditions involving alcohol at the Beta Delta Chapter of the Theta Chi Fraternity.

157. At all times material, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously held or should have held meetings which included, *inter alia*,

discussions of events, activities and/or traditions involving hazing at the Beta Delta Chapter of the Theta Chi Fraternity.

LOCAL ALUMNI FRATERNITY DEFENDANTS OVERVIEW

158. At all times material hereto, upon information and belief, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously require/required local chapters to have an “Alumni House Corporation Board” to own a chapter’s fraternity house.

In general, the house corporation board is a non-profit corporation established under the laws of a state or province. The house corporation will typically be exempted from the payment of taxes under IRC Section 501 (c)(7) if the appropriate filings have been made with the IRS. In most circumstances, contributions to a house corporation are not considered charitable donations, and, therefore, are not able to claim the value of their contributions as a deduction on their tax returns.

In most cases, the undergraduate chapter and/or its members lease the chapter house and/or property from the house corporation. In this capacity, the house corporation serves as the landlord to the chapter. A house corporation typically pays the mortgage payments, real estate taxes, property insurance, and provides for capital improvements to the chapter house.

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159. At all times material hereto, defendant(s), THETA CHI ALUMNI CORPORATION and/or John Does 1-100 and/or ABC Corp 1 -100, is/was the Beta Delta Chapter of the Theta Chi Fraternity Alumni House Corporation Board.

160. At all times material hereto, defendant(s), THETA CHI ALUMNI CORPORATION and/or John Does 1-100 and/or ABC Corp 1 -100, purchased and owns/owned the fraternity house and land located on the subject premises.

²⁶ *Theta Chi Fraternity Chapter Advisory Board Manual*

161. At all times material hereto, upon information and belief, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously require/required local chapters to have a “Chapter Advisory Board.”

As a member of the chapter advisory board (CAB) of a Theta Chi chapter, you have become an important component in the success of the fraternity. The board is charged to identify, reinforce, develop and advise to the fullest potential the operations within the chapter.

The purpose of a CAB is to provide a chapter of Theta Chi Fraternity a constant source of stability. Whereas a fraternity's membership will have a 100% turnover every 4-5 years, the advisory board will serve as a consistent resource.

This manual is designed to help you serve the undergraduate members more effectively by providing experience, leadership, insight and maturity, and by assisting in the direction of the chapter. Theta Chi helps fulfill many purposes of which develop member's leadership skills, organizational skills, retention skills, presentation and speaking skills, and helps them launch successful and meaningful lives. The CAB represents incredible opportunities to facilitate this future. It's up to you to make the most of these opportunities.

Every Theta Chi CAB member should take a proactive stance in working with and advising the chapter. This is mostly done by meeting with the respective undergraduate officer or chairman and reviewing the goals and the operation manuals, then act to encourage continued improvement in the operations of the chapter. One of the most important board functions is to prevent possible problems from developing. Consistency and regular meetings are the key. Many chapters run into difficulty when the CAB does very little with the chapter until a major problem exists. In many cases, it's too late. An active and interested board is an essential element in all successful chapters of Theta Chi Fraternity.

This manual is designed to give you a general understanding of the Greek system, Theta Chi Fraternity, and your role with the local chapter. Please read over it carefully.

The International Headquarters staff will assist you in every way possible so that you may be an effective and responsible member of the CAB. Should you need further information after reading this manual, or have suggestions for improvement, please write or e-mail the Theta Chi Fraternity Headquarters, c/o Chapter Advisory Board, 3330 Founders Road, Indianapolis, Indiana 46268-1333 or ihq@thetachi.org.

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162. At all times material hereto, defendant(s), THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER and/or John Does 1-100 and/or ABC Corp 1 -100, is/was the Beta Delta Chapter of the Theta Chi Fraternity Chapter Advisory Board.

²⁷ *Theta Chi Fraternity Chapter Advisory Board Manual*

The Theta Chi Alumni Association - Beta Delta Chapter is the entity that governs, coordinates, represents and manages the business of the alumni from the Beta Delta Chapter of Theta Chi Fraternity and oversees the general state and operation of the undergraduate chapter at Rutgers, The State University of New Jersey. It is a registered 501(c)(7) nonprofit organization.

The Beta Delta Alumni Association is a perfect example of 'Theta Chi for Life'. The group allows alumni to remain active in their Fraternity and to give back to their organization. A strong alumni association is necessary in order to keep the chapter alive, in good financial stability and in respectable, award-winning condition.

The Bugle is a publication of the Alumni Association of the Beta Delta Chapter of Theta Chi Fraternity. It is published four times a year.

The Alumni Association holds monthly meetings. Most meetings take place at a local alumni's house. If you are interested in attending, please call in advance in the event there is a change or cancellation to the meeting.

The Beta Delta Alumni Association is always looking for more alumni who would like to lend the helping hand.

Mailing Address:

P.O. Box 10112, New Brunswick, NJ 08906

Chapter House:

49 Mine Street, New Brunswick, NJ 08901

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163. At all times material hereto, defendant(s), THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER, THETA CHI ALUMNI CORPORATION and/or John Does 1-100 and/or ABC Corp 1 -100 (hereinafter collectively referred to as "LOCAL ALUMNI FRATERNITY DEFENDANTS"), jointly and/or severally and/or vicariously was recognized, approved, and existed pursuant to the authority granted by NATIONAL FRATERNITY DEFENDANTS.

164. At all times material hereto, LOCAL ALUMNI FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously, was/were required to follow the Fraternity Rules,

²⁸ <http://www.betadeltaonline.com/about.html>

Policies, and Regulations which included numerous consequences, punishments, and penalties for violations.

165. At all times material hereto, LOCAL ALUMNI FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously promoted itself based on the existence of the Beta Delta chapter of Theta Chi Fraternity.

166. At all times material hereto, LOCAL ALUMNI FRATERNITY DEFENDANTS has benefited financially as well as promotionally from the Beta Delta Chapter of Theta Chi Fraternity.

167. At all times material hereto, LOCAL ALUMNI FRATERNITY DEFENDANTS agreed to ensuring the fraternity house would bear the Theta Chi fraternity letters and would serve as a location to perpetuate the fraternity's traditions and to educate and indoctrinate pledges with the history of the fraternity.

168. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously exercised significant control over the LOCAL EXECUTIVE FRATERNITY DEFENDANTS by requiring compliance with maintenance and safety standards to ensure the fraternity house would continue to serve as a meeting place for members of FRATERNITY DEFENDANTS and would serve as a place where various fraternity members would live.

169. At all times material hereto, LOCAL ALUMNI FRATERNITY DEFENDANTS by owning, maintaining, and managing a fraternity house to be used solely by the members of the FRATERNITY DEFENDANTS ensured the continued growth of membership at Beta Delta Chapter of the Theta Chi Fraternity and the perpetuation of FRATERNITY DEFENDANTS traditions, rituals, activities, and events.

170. At all times material hereto, LOCAL ALUMNI FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed the duty to control and monitor the behavior and activities of the Beta Delta Chapter of the Theta Chi Fraternity, chapter members and chapter fraternity house as set forth in the Fraternity Rules, Policies, and Regulations which included numerous consequences, punishments, and penalties for violations.²⁹

171. At all times material hereto, NATIONAL FRATERNITY DEFENDANTS jointly and/or severally and/or vicariously and LOCAL EXECUTIVE FRATERNITY DEFENDANTS jointly and/or severally and/or vicariously acted on behalf of LOCAL ALUMNI FRATERNITY DEFENDANTS to ensure the upkeep and maintenance of the fraternity chapter house, keep the chapter house in a reasonably safe condition and maintain a reasonably safe environment.

172. At all times material hereto, LOCAL ALUMNI FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously oversaw, managed and directed events, activities, and traditions involving chapter members, chapter guests, pledges and the chapter fraternity house.

173. At all times material hereto, LOCAL ALUMNI FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously undertook and/or assumed a duty to protect and/or keep the Beta Delta Chapter of Theta Chi Fraternity, chapter members, chapter guests, pledges and the fraternity chapter house safe by acting as a governing body.

174. At all times material hereto, by acting as a governing body LOCAL ALUMNI FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously, had undertaken and/or assumed the duty to control and monitor the behavior and activities of the Beta Delta Chapter of Theta Chi Fraternity, chapter members and the fraternity chapter house by acting as a governing body.

²⁹ *Rutgers Student Affairs Standards of Conduct Student Organization Policies and Procedures.*

175. At all times material hereto, LOCAL ALUMNI FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to control and monitor the behavior and activities of the Beta Delta Chapter of Theta Chi Fraternity chapter members and the fraternity chapter house as set forth in the Fraternity Rules, Policies, and Regulations which included numerous consequences, punishments, and penalties for violations.

176. At all times material hereto, LOCAL ALUMNI FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to provide with the Beta Delta Chapter of Theta Chi with reasonable education and/or training on Fraternity Rules, Policies, and Regulations in order to keep the Beta Delta Chapter of Theta Chi, chapter members, pledges, the fraternity chapter house and guests safe.

177. At all times material hereto, LOCAL ALUMNI FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to supervise the Beta Delta Chapter of Theta Chi education and/or training on Fraternity Rules, Policies, and Regulations in order to keep the Beta Delta Chapter of Theta Chi, chapter members, pledges, the fraternity chapter house and guests safe.

178. At all times material hereto, LOCAL ALUMNI FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to reasonably supervise the Beta Delta Chapter of Theta Chi according to Fraternity Rules, Policies, and Regulations to keep the Beta Delta Chapter of Theta Chi, chapter members, the fraternity chapter house, pledges and guests safe.

179. At all times material hereto, LOCAL ALUMNI FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to provide a reasonable investigation into compliance by the Beta Delta Chapter of Theta Chi with Fraternity Rules,

Policies, and Regulations to keep the Beta Delta Chapter of Theta Chi, chapter members, the fraternity chapter house, pledges and guests safe.

180. At all times material hereto, LOCAL ALUMNI FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to provide reasonable punishment for noncompliance by the Beta Delta Chapter of Theta Chi with Fraternity Rules, Policies, and Regulations to keep the Beta Delta Chapter of Theta Chi, chapter members, the fraternity chapter house, pledges and guests safe.

181. At all times material hereto, LOCAL ALUMNI FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously was or should have been aware the Beta Delta Chapter of the Theta Chi Fraternity had accepted new pledges, including, but not limited to, plaintiff.

182. At all times material hereto, LOCAL ALUMNI FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously was or should have been aware of all pledge events, activities, and /or traditions would be attended by pledges of the Beta Delta Chapter of the Theta Chi Fraternity.

183. At all times material, LOCAL ALUMNI FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously held or should have held meetings which included, *inter alia*, discussions of events, activities and/or traditions involving potential new members at events, activities and/or traditions held/hosted by and/or including the Beta Delta Chapter of the Theta Chi Fraternity.

184. At all times material, LOCAL ALUMNI FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously held or should have held meetings which included, *inter alia*, discussions of events, activities and/or traditions involving pledges of the Beta Delta Chapter of the Theta Chi Fraternity.

185. At all times material, LOCAL ALUMNI FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously held or should have held meetings which included, *inter alia*, discussions of alcohol at events, activities and/or traditions held/hosted by and/or including the Beta Delta Chapter of the Theta Chi Fraternity.

186. At all times material, LOCAL ALUMNI FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously held or should have held meetings which included, *inter alia*, discussions of hazing at events, activities and/or traditions held/hosted by and/or including the Beta Delta Chapter of the Theta Chi Fraternity.

LOCAL EXECUTIVE FRATERNITY DEFENDANTS OVERVIEW

187. At all times material hereto, the Beta Delta Chapter of the Theta Chi Fraternity existed pursuant to the authority of defendants, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY, THETA CHI NATIONAL DEFENDANTS, LOCAL ALUMNI FRATERNITY DEFENDANTS and/or John Does 1-100 and/or ABC Corp 1 -100.

188. At all times material hereto, upon information and belief, NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously required local chapters have active Chapter Officers.

Section 2. Active Chapter Officers
The officers of the active chapter shall include a president, vice president, vice president of health and safety, secretary, treasurer, marshal, chaplain, scholarship chairman, recruitment chairman, historian, first guard, and second guard, and shall rank in the order named. Bylaws of active chapters may provide for such other and additional officers as such chapters may desire; provided, however, that additional officers shall be inferior in rank

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189. At all times material hereto, the Beta Delta Chapter of the Theta Chi Fraternity had an Executive Board comprised of active chapter member defendants, ROY LEE, RYLAN CHEW, GAVIN ROBERTSON, MICHAEL SEBASTIAN, GAVEN FERRARO, MIKE

³⁰ *The Constitution and Bylaws of Theta Chi Fraternity Inc.*

LUONGO, BRANDON AUFIERO, MATTHEW BOHINSKI, JAMES HOLT, DANIEL ERENBERG, CONSTANTINE SEDEREAS, HUNTER PETERSON, DREW UNGARTEN³¹ and/or John Does 1-100 and/or ABC Corp 1 -100 (collectively referred herein as “LOCAL EXECUTIVE FRATERNITY DEFENDANTS.”)



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190. At all times material hereto, defendant(s), ROY LEE, and/or John Does 1-100 and/or ABC Corp 1 -100, served as the President of Beta Delta.

191. At all times material hereto, defendant(s), RYLAN CHEW, and/or John Does 1-100 and/or ABC Corp 1 -100, served as the Vice President of Beta Delta.

192. At all times material hereto, defendant(s), GAVIN ROBERTSON, and/or John Does 1-100 and/or ABC Corp 1 -100, served as the Vice President of Health and Safety of Beta Delta.

193. At all times material hereto, defendant(s), MICHAEL SEBASTIAN, and/or John Does 1-100 and/or ABC Corp 1 -100, served as the Secretary of Beta Delta.

194. At all times material hereto, defendant(s), GAVEN FERRARO, and/or John Does 1-100 and/or ABC Corp 1 -100, served as the Treasurer of Beta Delta.

³¹ DREW UNGARTEN was a member of Beta Delta who served in a leadership executive capacity for the subject event of March 24, 2022.

³² <https://ruthetachi.wixsite.com/betadelta/our-brothers>

195. At all times material hereto, defendant(s), MIKE LUONGO, and/or John Does 1-100 and/or ABC Corp 1 -100, served as the Marshal of Beta Delta.

196. At all times material hereto, defendant(s), BRANDON AUFIERO, and/or John Does 1-100 and/or ABC Corp 1 -100, served as the Chaplain of Beta Delta.

197. At all times material hereto, defendant(s), MATTHEW BOHINSKI, and/or John Does 1-100 and/or ABC Corp 1 -100, served as the Recruitment Chair of Beta Delta.

198. At all times material hereto, defendant(s), JAMES HOLT, and/or John Does 1-100 and/or ABC Corp 1 -100, served as the First Guard of Beta Delta.

199. At all times material hereto, defendant(s), DANIEL ERENBERG, and/or John Does 1-100 and/or ABC Corp 1 -100, served as the Social Chair of Beta Delta.

200. At all times material hereto, defendant(s), CONSTANTINE SEDEREAS, and/or John Does 1-100 and/or ABC Corp 1 -100, served as Assistant Recruitment of Beta Delta.

201. At all times material hereto, defendant(s), HUNTER PETERSON, and/or John Does 1-100 and/or ABC Corp 1 -100, served as Assistant Social of Beta Delta.

202. At all times material hereto, defendant(s), DREW UNGARTEN, and/or John Does 1-100 and/or ABC Corp 1 -100, was a member of Beta Delta who served in a leadership executive capacity for the subject event of March 24, 2022.

203. At all times material hereto, defendant(s), LOCAL EXECUTIVE FRATERNITY DEFENDANTS jointly and/or severally and/or vicariously was recognized, approved, and existed pursuant to the authority granted by NATIONAL FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously.

204. At all times material hereto, LOCAL EXECUTIVE FRATERNITY DEFENDANTS jointly and/or severally and/or vicariously has/had to comply with the Fraternity Rules, Policies, and Regulations.

205. At all times material hereto, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed the duty to control and monitor the behavior and activities of the Beta Delta Chapter of the Theta Chi Fraternity chapter, chapter members and chapter fraternity house as set forth in applicable precautions, rules, procedures, measures policies, regulations and/or plans which included numerous consequences, punishments, and penalties for violations.

206. At all times material hereto, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously promoted itself based on the existence of the Beta Delta chapter of Theta Chi Fraternity.

207. At all times material hereto, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously oversaw, managed and directed events, activities, and/or traditions that would take place by the Beta Delta Chapter of Theta Chi Fraternity.

208. At all times material hereto, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously undertook and/or assumed a duty to protect and/or keep the Beta Delta Chapter of Theta Chi Fraternity, chapter members, chapter guests, pledges, and the fraternity chapter house safe by acting as a governing body.

209. At all times material hereto, by acting as a governing body LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously, had undertaken

and/or assumed the duty to control and monitor the behavior and activities of the Beta Delta Chapter of Theta Chi Fraternity by acting as a governing body.

210. At all times material hereto, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously, was/were required to follow as set forth in applicable precautions, rules, procedures, measures policies, regulations and/or plans which included numerous consequences, punishments, and penalties for violations.

211. At all times material hereto, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to control and monitor the behavior and activities of the Beta Delta Chapter of Theta Chi Fraternity as set forth in as set forth in applicable precautions, rules, procedures, measures policies, regulations and/or plans which included numerous consequences, punishments, and penalties for violations.

212. At all times material hereto, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to reasonably implement applicable precautions, rules, procedures, measures policies, regulations and/or plans with the Beta Delta Chapter of Theta Chi to keep the Beta Delta Chapter of Theta Chi, chapter members, pledges, the fraternity chapter house and guests safe.

213. At all times material hereto, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to provide the Beta Delta Chapter of Theta Chi with reasonable education and/or training on applicable precautions, rules, procedures, measures policies, regulations and/or plans to keep the Beta Delta Chapter of Theta Chi, chapter members, pledges, the fraternity chapter house and guests safe.

214. At all times material hereto, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to reasonably supervise the Beta Delta Chapter of Theta Chi according to the applicable precautions, rules, procedures, measures policies, regulations and/or plans to keep the Beta Delta Chapter of Theta Chi, chapter members, pledges, the fraternity chapter house and guests safe.

215. At all times material hereto, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to provide a reasonable investigation into compliance by the Beta Delta Chapter of Theta Chi with applicable precautions, rules, procedures, measures policies, regulations and/or plans to keep the Beta Delta Chapter of Theta Chi, chapter members, pledges, the fraternity chapter house and guests safe.

216. At all times material hereto, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously had and/or assumed a duty to provide reasonable punishment for noncompliance of applicable precautions, rules, procedures, measures policies, regulations and/or plans by the Beta Delta Chapter of Theta Chi to keep the Beta Delta Chapter of Theta Chi, chapter members, pledges, the fraternity chapter house and guests safe.

217. At all times material, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously held or should have held meetings which included, *inter alia*, discussions of pledges of the Beta Delta Chapter of the Theta Chi Fraternity.

218. At all times material, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously held or should have held meetings which included,

inter alia, discussions of events, activities and/or traditions involving potential new members of the Beta Delta Chapter of the Theta Chi Fraternity.

219. At all times material, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously held or should have held meetings which included, *inter alia*, discussions of events, activities and/or traditions involving pledges of the Beta Delta Chapter of the Theta Chi Fraternity.

220. At all times material, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously held or should have held meetings which included, *inter alia*, discussions of events, activities and/or traditions involving alcohol by the Beta Delta Chapter of the Theta Chi Fraternity.

221. At all times material, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously held or should have held meetings which included, *inter alia*, discussions of events, activities and/or traditions involving hazing by the Beta Delta Chapter of the Theta Chi Fraternity.

222. At all times material, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously held or should have held meetings which included, *inter alia*, discussions of registering events, activities and/or traditions.

223. At all times material, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously held or should have held meetings which included, *inter alia*, discussions of obtaining permission for the Beta Delta Chapter of Theta Chi to have alcohol at events, activities and/or traditions.

224. At all times material, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously held or should have held meetings which included,

inter alia, discussions events, activities and/or traditions involving pledges and/or potential new members, obtaining alcohol at the Beta Delta Chapter of Theta Chi events, activities and/or traditions, and obtaining permission to have alcohol at the Beta Delta Chapter of Theta Chi events, activities and/or traditions.

225. At all times material hereto, LOCAL EXECUTIVE FRATERNITY DEFENDANTS, jointly and/or severally and/or vicariously was or should have been aware that the Beta Delta Chapter of the Theta Chi Fraternity had accepted new pledges, including, but not limited to, plaintiff.

Rules and Regulations on Hazing

226. At all times material hereto, the State of New Jersey “Anti-Hazing Law” also known as Timothy J. Piazza’s Law was signed by Governor Phil Murphy on August 24, 2021 in order to establish and codify that hazing throughout the State of New Jersey would be prohibited. *N.J. Stat. § 2C:40-3.*



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³³ <https://www.nj.gov/governor/news/news/562021/20210824b.shtml>

§ 2C:40-3. Hazing

a. A person is guilty of hazing, if, in connection with initiation of applicants to or members of a student or fraternal organization, whose membership is primarily students or alumni of the organization or an institution of higher education, the person knowingly or recklessly:

- (1) causes, coerces, or otherwise induces another person to commit an act that violates federal or State criminal law;
- (2) causes, coerces, or otherwise induces another person to consume any food, liquid, alcoholic liquid, drug or other substance which subjects the person to a risk of emotional or physical harm or is otherwise deleterious to the person's health;
- (3) subjects another person to abuse, mistreatment, harassment, or degradation of a physical nature, including, but not limited to, whipping, beating, branding, excessive calisthenics, or exposure to the elements;
- (4) subjects another person to abuse, mistreatment, harassment, or degradation of a mental or emotional nature, including, but not limited to, activity adversely affecting the mental or emotional health or dignity of the individual, sleep deprivation, exclusion from social contact, or conduct that could result in extreme embarrassment;
- (5) subjects another person to abuse, mistreatment, harassment, or degradation of a sexual nature; or
- (6) subjects another person to any other activity that creates a reasonable likelihood of bodily injury to the person.

Hazing shall not include any reasonable and customary athletic, law enforcement, or military training; contests; competitions; or events.

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227. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, has a webpage dedicated to not condoning any acts of hazing.³⁵

228. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, University Code of Student Conduct expressly prohibits hazing.

Code of Student Conduct

The **University Code of Student Conduct** (the Code) expressly prohibits hazing. The Code defines hazing as:

- Engaging in any act that impacts the mental, emotional, or physical health or safety of a student for the purpose of initiation into, admission into, affiliation with, or continued membership in any organization or team whose members are Rutgers University students.
- Engaging in any activity that is inconsistent with regulations or policies of Rutgers University or laws in the State of New Jersey for the purpose of initiation into, admission into, affiliation with, or continued membership in any organization or team whose members are Rutgers University students.

Any student found responsible for committing, attempting to commit, or assisting others in committing an act of hazing shall be subject to disciplinary sanctions under the Code.

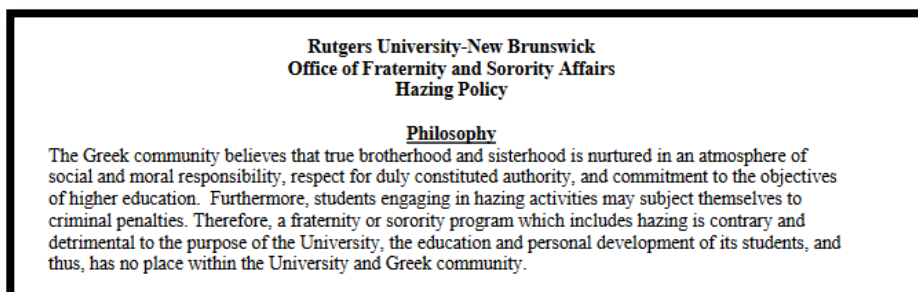
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³⁴ *N.J. Stat. § 2C:40-3(a)*

³⁵ <https://studentconduct.rutgers.edu/hazing#reports>

³⁶ <https://studentconduct.rutgers.edu/hazing#policies>

229. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, OFSA established a “Rutgers University Hazing Policy” for fraternities and sororities that expressly prohibits hazing.



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230. At all times material hereto, FRATERNITY DEFENDANTS specifically prohibit hazing.

231. At all times material hereto, the Theta Chi Constitution and Bylaws and Safety Standards Manual specifically prohibits hazing.³⁸

³⁷ https://greeklife.rutgers.edu/sites/default/files/pdf/Hazing_Policy_OFSA.pdf

³⁸ *Theta Chi Fraternity Safety Standards Manual; and, the Theta Chi Constitution and Bylaws of Theta Chi Fraternity Inc.*

STANDARDS OF THETA CHI

Hazing

Theta Chi is based on the belief that true fraternalism is nurtured in an atmosphere of social and moral responsibility, respect for duly constituted authority, and loyalty to the principles and values of higher education.

Theta Chi is also based on the understanding that while social behavior cannot be legislated, a fraternity without morally sound precepts and practices is not a constructive influence upon college men.

Theta Chi is further based on the belief that a fraternity has a solemn obligation to help develop its pledges, initiates, and alumni, and that this responsibility extends alike to the institutions where the fraternity is represented. This obligation also extends to parents and others who make possible the education of pledges and initiates as well as the communities where chapters are accountable for good citizenship. This obligation is also owed to the college fraternity system of which Theta Chi is a part.

Finally, Theta Chi is based on the firm conviction that one of the most damaging instruments to the fraternity system is the employment of a pledge education program which involves hazing, and that this unproductive and hazardous practice has no place in the fraternity system.

From Article V, Section 11 of *The Constitution and Bylaws of Theta Chi Fraternity, Inc.*

Hazing Prohibited

The Fraternity prohibits all physical hazing, paddling, uncalled-for humiliation, and public display in connection with Pledge education and pre-initiatory activities and subscribes to the North American Interfraternity Conference resolutions which condemn all forms of hazing in connection with Pledge education and pre-initiatory activities. The active chapters shall carry out the Fraternity's policy and conform to this policy, not only to avoid the danger of bringing discredit to the Fraternity and injuring members, pledges, and the entire fraternity cause, but also to build higher respect for the chapters and the Fraternity in the minds of Pledges and to instill loyalty. The Fraternity prohibits all forms of public initiation, and pre-initiatory and initiation activities shall not be permitted to interfere in any way with the scholastic obligations or class attendance of those involved.

Prohibited Hazing Activities

The following activities are hazing and will not be tolerated. This list is by no means all-inclusive; many other activities could be added. Keep in mind that the intent of the activity is as significant as the activity itself.

- Forced or coerced consumption of any beverage, alcoholic or nonalcoholic, or food
- Forced calisthenics of any type, or at any time
- Paddling, striking or any form of physical abuse
- Any type of abandonment (e.g., kidnaps, "ditches," or "bags")
- Scavenger hunts or treasurer hunts, including hunts for nonexistent items
- Any form of "line-ups" or forced interviews
- Requiring pledges to collect signatures from initiated members
- Prevention or deprivation of sleep or study time
- Duties not shared equally with members (e.g., house clean ups, answering telephones, giving rides, or serving meals)
- Requiring pledges to carry items or objects (e.g., paddles, matches, books, change, bricks, or *The Manual of Theta Chi*)
- Any act of personal servitude
- Verbal harassment
- Requiring or endorsing pranks that violate law or reflect poorly on the chapter (e.g., theft, destruction, or harassment)
- Requiring uncomfortable or inappropriate dress
- Restricting or requiring the use of certain doors, entrances, or public rooms or furniture in the chapter house
- Interrogations and testing that is inconsistent with normal testing of educational material (e.g., threatening or harassing pledges through psychological or verbal intimidation including the use of pledge courts or pledge reviews)
- Requiring inappropriate forms of address or greetings to members when answering the telephone
- Requiring pledges to recite the Creed or Greek alphabet "to a match" or in any other manner that is designed to denigrate or intimidate the pledges
- Misleading pledges to believe that they are brothers or "active"
- Use of blindfolds
- Requiring pledges to recite information, phrases, or spiels with no useful or educational purpose
- Keeping vigil over any object or device

232. At all times material hereto, the Theta Chi Beta Delta Chapter has reprinted defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, OFSA hazing policy prohibiting hazing on its website.

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³⁹ <https://ruthetachi.wixsite.com/betadelta/ofsa-hazing-statement>

233. At all times material hereto, FRATERNITY DEFENDANTS had a duty to ensure general safety and security which includes protecting its pledges, including plaintiff from the hazards of hazing.

Rules and Regulations on Alcohol

234. At all times material hereto, in the State of New Jersey, “no person shall offer, serve, or make available any alcoholic beverage to a person under the legal age for consuming alcoholic beverages.” *N.J.S.A. 2C:33-17*.

235. At all times material hereto, no member of the University community under the legal age to purchase alcoholic beverages may acquire, possess, or consume alcoholic beverages on any University property or at any University sponsored event. *N.J.S.A. 2C:33-15*.

236. At all times material hereto, in the State of New Jersey, anyone who knowingly offers or serves or makes available an alcoholic beverage to a person under the legal age for consuming alcoholic beverages or entices or encourages that person to drink an alcoholic beverage is a disorderly person. *N.J.S.A. 2C:33-17*.

237. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, University Code of Student Conduct prohibits, *inter alia*, providing or facilitating the consumption of alcohol by any person without taking reasonable and prudent precautions to ensure that the person is of legal drinking age in New Jersey.⁴⁰

238. At all times material hereto, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, OFSA

⁴⁰ <https://studentconduct.rutgers.edu/hazing#policies>

“Social Event Policy” policies and procedures reference, *inter alia*, that there should be no alcohol should be present at a pledge activity, and specifically identifies Big Brother Night.

20. All recruitment/rush/intake activities associated with the chapter will be non-alcoholic. No recruitment/rush/intake activities associated with any chapter may be held at or in conjunction with a tavern or alcohol distributor as defined in this policy
21. No alcohol shall be present at any pledge/new member/associate member/novice program, activity or ritual of the chapter. This includes but is not limited to activities associated with “bid night”, “big brother/big sister night” and initiation.

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239. At all times material hereto, the Theta Chi Fraternity Safety Standards Manuel; and, the Theta Chi Constitution and Bylaws specifically comments on Alcohol and Other Drugs not being present during pledge activities.⁴²

From Article V, Section 13 of *The Constitution and Bylaws of Theta Chi Fraternity, Inc.*

Alcoholic Beverages

The rules and regulations governing the use of alcoholic beverages in the active Chapters and at all Fraternity functions shall be in conformance with the state, federal, and local laws pertaining to same, and with the *Safety Standards Manual of Theta Chi Fraternity*.

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⁴¹ *Rutgers University New Brunswick OFSA social event policy*

⁴² *Theta Chi Fraternity Safety Standards Manuel; and, the Theta Chi Constitution and Bylaws of Theta Chi Fraternity Inc.*

⁴³ *Theta Chi Constitution and Bylaws of Theta Chi Fraternity Inc.*

Alcohol and Other Drugs

In any activity or event sponsored or recognized by a chapter/colony, including those that occur on or off organizational/chapter premises:

1. The chapter/colony, members and guests must comply with all federal, state, provincial and local laws. No person under the legal drinking age may possess, consume, provide or be provided alcoholic beverages.
2. The chapter/colony, members and guests must follow federal law regarding illegal drugs and controlled substances. No person may possess, use, provide, distribute, sell, and/or manufacture illegal drugs or other controlled substances while on chapter/organizational premises or at any activity or event sponsored or endorsed by the chapter/colony.
3. If alcoholic beverages are present, they must either be:
 - a. Provided and sold on a per-drink basis by a licensed and insured third-party vendor (e.g., restaurant, bar, caterer, etc.); or
 - b. Brought by individual members and guests of legal age through a bring your own beverage ("BYOB") system.
4. Common sources of alcohol, including bulk quantities, which are not being served by a licensed and insured third party vendor, are prohibited (i.e., amounts of alcohol greater than what a reasonable person should consume over the duration of an event).
5. Alcoholic beverages must not be purchased with chapter/colony funds or funds pooled by members or guests (e.g., admission fees, cover fees, collecting funds through digital apps, etc.).
6. A chapter/colony must not co-host or co-sponsor, or in any way participate in, an activity or event with another group or entity that purchases or provides alcohol.
7. A chapter/colony must not co-host or co-sponsor an event with a bar, event promoter, or alcohol distributor; however, a chapter/colony may rent a bar, restaurant, or other licensed and insured third-party vendor to host a chapter/organization event in accordance with law.
8. Attendance by non-members at any event where alcohol is present must be by invitation only, and the chapter/colony must utilize a guest list system. Attendance at events with alcohol is limited to a 3:1 maximum guest-to-member ratio, and must not exceed local fire or building code capacity of the chapter/colony premises or host venue.
9. Any event or activity related to the new member joining process (e.g., recruitment, intake, rush, etc.) must be substance free. No alcohol or drugs may be present if the event or activity is related to pledging activities, meetings, or initiation into an organization, including but not limited to "bid night," "big/little" events or activities, "family" events or activities, and any ritual or ceremony.
10. The chapter/colony, members or guests must not permit, encourage, coerce, glorify or participate in any activities involving the rapid consumption of alcohol, such as drinking games.

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PRIOR FRATERNITY DEFENDANTS CONDUCT

240. NATIONAL FRATERNITY DEFENDANTS membership traditions, coupled with unsafe, unreasonable lack of proper management, policies, and oversight, have resulted in students dying and suffering serious injuries. While NATIONAL FRATERNITY DEFENDANTS refuse to publicly disclose such important risk information, known examples of death and/or serious injury resulting from hazing, underage consumption of alcohol and/or membership rituals spanning decades and include:

⁴⁴ *Theta Chi Fraternity Safety Standards Manual*

- a) 1988: Rider College student, Sean Hickey (deceased), a 19-year-old pledge of Theta Chi.
- b) 1997: Clarkson University student, Binaya Oja (deceased), a 17 -year-old pledge of Theta Chi.⁴⁵
- c) 2001: Indiana University student, Seth Korona (deceased), a 19 -year-old attending a Theta Chi rush event.
- d) 2008: Lenoir-Rhyne University student, Harrison Kowiak (deceased), a 19-year-old pledge of Theta Chi Fraternity.
- e) 2012: California State University, Fresno student, Philip Dhanens (deceased), an 18-year-old pledge of Theta Chi.
- f) 2018: California State University, Santa Cruz student, Alex Beletsis (deceased), an 18-year-old pledge of Theta Chi.
- g) 2018: Drake University student, Marcus Shields, a 19-year-old pledge of Theta Chi.
- h) 2019: University of Arizona student, Hayden Roletter, a pledge of Theta Chi.

PRIOR THETA CHI FRATERNITY BETA DELTA CHAPTER CONDUCT

241. At all times material hereto, defendants, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL and/or John Does 1-100 and/or ABC Corp 1 -100, received multiple complaints for Theta Chi violating policies and procedures.

Organization	Theta Chi
Term of Violation	Fall 2018
Allegation(s)	Violation of Social Policy
Allegation Explained	Violating guest list policy
Charged (YorN)	No
Outcome	INFORMAL RESOLUTION
Sanctions Imposed	Developmental Conversation
Notes	Matter handled by OFSA

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⁴⁵ *Oja v. Grand Chapter of Theta Chi Fraternity, Inc.*, 1999 N.Y. App. Div. LEXIS 728

⁴⁶ *Fall 2018/Spring 2019 Fraternity/Sorority Conduct Summary.*

Organization	Theta Chi
Term of Violation	Fall 2021
Date Reported	November 18th
Allegation(s)	Non-compliance w/Other University Policies
Allegation Explained	chapter was alleged to be hosting an unregistered mixer
Charged (YorN)	N
Outcome	OFSA connected with Chapter prior to alleged party occurring.
Sanctions Imposed	N/A
Date of Completion	November 18th
Notes	Preventative measure

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242. At all times material hereto, based on information and belief, defendant(s), RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY and/or John Does 1-100 and/or ABC Corp 1 -100, placed Theta Chi on probation until March 25, 2022 for non-compliance with University Policies/Law, Health and Safety.

Organization	Theta Chi
Date Reported	March 1st
Allegation(s)	Non-compliance with other university policies, health and safety
Allegation Explained	chapter allegedly hosting party at the chapter house during Covid-19 restrictions and no party period.
Charged (Y or N)	Y
Outcome	chapter took responsibility
Sanctions Imposed	Restrictive Probation (no socials) until March 25, 2022, chapter imposed educational sanctions
Date of Case Completion	March 25th
IFC Spring 2021	
Notes	RUPD responded to the scene. Matter resolved in conjunction with complaint filed in January. Vice Chancellor Mena reduced social restriction to February 1, 2022 after late appeal 5 months later.
Organization	Theta Chi
Date Reported	January 22nd
Allegation(s)	Health and Safety, Non-compliance with other university policies and law
Allegation Explained	report of a social gathering at the fraternity house
Charged (Y or N)	Y
Outcome	chapter took responsibility
Sanctions Imposed	Restrictive Probation (no socials) until March 25, 2022, chapter imposed educational sanctions
Date of Completion	March 25th
Notes	Matter resolved in conjunction with complaint filed in March. Vice Chancellor Mena reduced social restriction to February 1, 2022 after late appeal 5 months later.

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⁴⁷ Fall 2021 IFC Organizational Conduct Report.

⁴⁸ Spring 2021 IFC Organizational Conduct Report.

243. On or about October 12, 1998, Rutgers student, Jason Greco at the age of 20 died from injuries sustained after he fell down a flight of stairs while legally intoxicated at the Rutgers Theta Chi Fraternity House.



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Subject Event

244. On or about March 24, 2022, plaintiff, ARMAND RUNTE, was a lawful invitee at a pledge event at the Fraternity house premises of the Beta Delta Chapter of Theta Chi Fraternity.

245. On or about March 24, 2022, DEFENDANTS jointly and/or severally and/or vicariously knew or should have known that plaintiff, ARMAND RUNTE, was 19 years old, below the legal drinking age in the State of New Jersey.

246. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously discussed, planned and/or should have known about a pledge event called “Big Brother Night” was to occur on or about March 24, 2022 at the Beta Delta Chapter’s Theta Chi fraternity house premises.

⁴⁹ <https://www.nytimes.com/1998/10/13/nyregion/with-life-support-off-rutgers-student-dies.html>

247. At all times material hereto, defendant(s), DREW UNGARTEN, and/or John Does 1-100 and/or ABC Corp 1 -100, was designated as plaintiff's, ARMAND RUNTE, "big brother."

248. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously were to provide, *inter alia*, safe, reasonable and proper management, policies, rules regulations and oversight for the March 24, 2022 pledge event.

249. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously, had under its/their individual and/or joint care and direction, the control of the ownership, supervision, maintenance, control, lease, rent, occupancy, operation, inspection, possession, general safekeeping, management, warrant, repair, design, construction, care, cleaning, security the Fraternity house premises of the Beta Delta Chapter of the Theta Chi Fraternity.

250. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously was/were responsible to keep the premises safe for the anticipated use by visitors, guests, pledges, and invitees.

251. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously owed plaintiff a duty to maintain and control the premises in such a manner so as not to create dangerous and unsafe conditions or otherwise expose plaintiff to an unacceptable and unreasonable risks of harm or danger.

252. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously controlled the operation, supervision, and management of the recruitment process for the pledges.

253. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously controlled the operation, supervision, and management of the Beta Delta Chapter of Theta Chi Fraternity members and premises.

254. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously controlled the operation, supervision, and management of the pledging process.

255. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously controlled the implementation, creation, and enforcement of precautions, rules, procedures, measures, policies, regulations and/or plans of the recruitment process for the pledges.

256. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously controlled the implementation, creation, adoption, enactment, employment, and enforcement of precautions, rules, procedures, measures, policies, regulations and/or plans of the pledging process.

257. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously controlled the implementation, creation, adoption, enactment, employment, and enforcement of precautions, rules, procedures, measures, policies, regulations and/or plans of “Big Brother Night.”

258. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously controlled the operation, supervision, and management of “Big Brother Night.”

259. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously controlled the operation, supervision, and management of prevention of hazing.

260. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously controlled the implementation, creation, adoption, enactment, employment, and

enforcement of precautions, rules, procedures, measures, policies, regulations and/or plans of hazing.

261. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously controlled the implementation, creation, adoption, enactment, employment, and enforcement of precautions, rules, procedures, measures, policies, regulations and/or plans on service of alcoholic beverages for consumption to individuals under the age of 21.

262. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously controlled the operation, supervision, and management of prevention of service of alcoholic beverages for consumption to individuals under the age of 21.

263. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously controlled the implementation, creation, adoption, enactment, employment, and enforcement of precautions, rules, procedures, measures, policies, regulations and/or plans on events, activities and/or ceremonies involving alcoholic beverages.

264. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously controlled the operation, supervision, and management of events, activities and/or ceremonies involving alcoholic beverages by Beta Delta Chapter of Theta Chi Fraternity.

265. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously controlled the implementation, creation, adoption, enactment, employment, and enforcement of precautions, rules, procedures, measures, policies, regulations and/or plans on preventing the consumption of alcoholic beverages by individuals under the age of 21 on the premises and at all Beta Delta Chapter of Theta Chi Fraternity events, activities and/or traditions.

266. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously controlled the operation, supervision, and management of prevention of the

consumption of alcoholic beverages by individuals under the age of 21 on the premises and at all Beta Delta Chapter of Theta Chi Fraternity events, activities and/or traditions.

267. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously had the authority and/or ability to control manner traditions, activities and/or events, including, but not limited to “Big Brother Night” were celebrated, followed and/or observed by the Beta Delta Chapter of the Theta Chi Fraternity.

268. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously controlled monitoring and/or supervision of the Beta Delta Chapter of the Theta Chi Fraternity while celebrating, following and/or observing traditions, activities and/or events including, but not limited to “Big Brother Night”; and, traditions, activities and/or events including, but not limited to “Big Brother Night”, at the Fraternity house premises.

269. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously were responsible for the safety of pledges including plaintiff, ARMAND RUNTE while celebrating, following and/or observing the Beta Delta Chapter of the Theta Chi Fraternity traditions, activities and/or events; and, traditions, activities and/or on/at the premises.

270. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously was or should have been aware that the Beta Delta Chapter of Theta Chi Fraternity had accepted new pledges, including, but not limited to, plaintiff, ARMAND RUNTE.

271. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously monitored or should have been monitoring the activities, events and/or traditions involving new pledges of the Beta Delta Chapter of Theta Chi Fraternity including, but not limited to, plaintiff, ARMAND RUNTE.

272. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously educated or should have been educating the Beta Delta Chapter of Theta Chi Fraternity and fraternity members on safety of precautions, rules, procedures, measures, policies, regulations and/or plans at activities, events and/or traditions involving new pledges of the Beta Delta Chapter of Theta Chi Fraternity including, but not limited to, plaintiff, ARMAND RUNTE.

273. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously was responsible for *inter alia*, maintaining the premises and/or selecting, training, assigning, supervising, and/ or disciplining its owners, agents, ostensible agents, workmen, employees, officers, staff, administrators, representatives, servants, and/or personnel in keeping said premises in such condition that was reasonably safe for invitees.

274. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously owed plaintiff a duty to exercise reasonable care, which include knowing or, by the exercise of reasonable care having reason to know, or discover hazardous, dangerous, and defective conditions and/or activities on/of the premises, which involve reasonable risk of harm to guests, pledges, and invitees such as the plaintiff.

275. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously owed plaintiff a duty to exercise reasonable care, which includes a duty to expect that individuals, such as plaintiff, would not discover or realize hazardous, dangerous and defective conditions and/or activities on/of the premises; or, fail to protect themselves against hazardous, dangerous and defective conditions and/or activities on/of the premises.

276. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously owed plaintiff a duty to exercise reasonable care, and protect guests, pledges, and

invitees, such as the plaintiff, against hazardous, dangerous and defective conditions and/or located on/of the premises.

277. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously owed plaintiff a duty to exercise reasonable care, for the safety of those invited to the premises for a particular purpose in a way that is reasonably expected for guests, pledges and invitees, such as the plaintiff.

278. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously owed plaintiff a duty to exercise reasonable care, to put the premises in a condition reasonably safe for the reasonably expected use by guests, pledges, and invitees, such as the plaintiff, who foreseeably would have to navigate the premises.

279. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously owed plaintiff a duty to exercise reasonable care, to carry on its activities involving the premises so as to not endanger guests, pledges and invitees, such as the plaintiff.

280. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously owed plaintiff a duty to exercise reasonable care, to warn guests, pledges, and invitees, such as the plaintiff, of the risk of harm involved in navigating the premises.

281. At all times material hereto, during the pledge process, DEFENDANTS jointly and/or severally and/or vicariously had precautions, rules, procedures, measures, policies, regulations and/or plans in place to prohibit the service, dispensing and/or consumption of alcohol to persons who were not of legal age to consume same.

282. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously owed plaintiff a duty to protect plaintiff and similarly situated invitees from

foreseeable dangers and harm resulting from the service, dispensing and/or consumption of alcohol to persons who were not of legal age to consume same.

283. At all times material hereto, during the pledge process, DEFENDANTS jointly and/or severally and/or vicariously had precautions, rules, procedures, measures, policies, regulations and/or plans in place to prohibit hazing of pledges like plaintiff, ARMAND RUNTE.

284. At all times material hereto, during the pledge process, DEFENDANTS jointly and/or severally and/or vicariously supervised and/or provided oversight on Beta Delta Chapter of Theta Chi Fraternity pledge activities, events and/or traditions of which included, ensuring that pledges were not forced to undergo hazing activities.

285. At all times material hereto, during the pledge process, DEFENDANTS jointly and/or severally and/or vicariously supervised and/or provided oversight on Beta Delta Chapter of Theta Chi Fraternity pledge activities, events and/or traditions of which included, ensuring that underage individual pledges were not serviced, dispensed and/or consumed alcoholic beverages.

286. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously had a duty to enforce and implement their precautions, rules, procedures, measures, policies, regulations and/or plans to protect pledges from harm and injury including but not limited to hazing, the coerced or forced consumption of alcohol, and the provision of alcohol to minors.

287. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously discussed, planned and/or should have known about the purchase of alcohol for an event on March 24, 2022.

288. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously discussed, planned and/or should have known about the hazing of pledges during an event on March 24, 2022.

289. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously discussed, planned and/or should have known about the service of alcoholic beverages to underage pledges during an event on March 24, 2022.

290. At all times material hereto, DEFENDANTS, jointly and/or severally and/or vicariously discussed, planned and/or should have known about the consumption of alcoholic beverages by underage pledges during an event on March 24, 2022.

291. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously discussed, planned and/or should have known about hazing of pledges, including plaintiff, ARMAND RUNTE, whereby the pledges, including underage plaintiff, would be serviced alcohol for consumption and forced and coerced onto drinking alcoholic beverages at the subject event on March 24, 2022.

292. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously knew or should have known that by failing to stop the hazing activities pledges, like plaintiff, would be subjected to harm and physical danger.

293. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously, was or should have been aware of the history of hazing at the Beta Delta Chapter of Theta Chi Fraternity.

294. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously, was or should have been aware of the history underage individuals being served alcoholic beverages for consumption by the Beta Delta Chapter of Theta Chi Fraternity.

295. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously, was or should have been aware of the history underage individuals being served and consuming alcoholic beverages on the premises.

296. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously knew or should have known that hazing, including coerced or forced consumption of alcohol and/or the provision of alcohol to minors did and would occur as a part of pledging activities of plaintiff, ARMAND RUNTE.

297. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously, knew or should have known that the Beta Delta Chapter of Theta Chi Fraternity permitted and encouraged hazing of new pledges which actions included forcing and/or coercing pledges to abuse alcohol.

298. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously knew or should have known of the dangers associated with hazing and through the coerced or forced consumption of alcohol.

299. Upon information and belief, DEFENDANTS jointly and/or severally and/or vicariously, had a duty to protect others, including this plaintiff from physical harm caused by the accidental, negligent, or harmful acts or inactions of third persons.


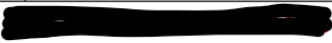
300. On or about March 24, 2022, plaintiff, ARMAND RUNTE, was at the premises.

301. On or about March 24, 2022, plaintiff, ARMAND RUNTE, was served alcohol for consumption by members of the Beta Delta Chapter of the Theta Chi Fraternity.

302. On or about March 24, 2022, plaintiff, ARMAND RUNTE, consumed alcohol while being coerced, forced and/or influenced by members of the Beta Delta Chapter of the Theta Chi Fraternity at the premises.

303. On or about March 24, 2022, plaintiff, ARMAND RUNTE, was hazed by members of the Beta Delta Chapter of the Theta Chi Fraternity at the premises.

304. On or about March 24, 2022, at or about 12:52 p.m., plaintiff, a lawful invitee was walking on a stairway connecting the basement and first floor of the premises when suddenly and without warning and/or notice, and while under the influence of alcoholic beverages that he was forced and coerced to consume, was caused to fall to the ground by reason of plaintiff coming into direct contact hazardous, dangerous and defective conditions thereby causing plaintiff to sustain serious, painful and permanent personal injuries and damages, more particularly hereinafter described.

 An Internationally Accredited Law Enforcement Agency (US/Eastern)		Rutgers PD - New Brunswick Incident Report 55 Paul Robeson Boulevard New Brunswick, NJ 08901 Phone: (848) 932 - 8407 Fax: (732) 932 - 4883			
		ORI NJ0123000	County Middlesex County	Venue 1214 NEW BRUNSWICK	Report # 22RC00740
		Report Date / Time 03/25/2022 02:47 Hrs	Occurrence Date / Time 03/24/2022 23:52 Hrs	File Class 9901	
					
Nature of Incident Emergency Medical Services			Supplements Approved Report (2)		
Summary Armand Runte (affiliated/student) was transported from 49 Mine Street (Theta Chi Fraternity) to RWJ Hospital subsequent to him falling down the stairs and hitting his head.					
Did the incident involve a street gang? No					
Did the incident involve an organized group other than a street gang? No					
Incident Location					
Address 49 Mine Street		City New Brunswick	State New Jersey	ZIP 08901	Country United States of America
County: Middlesex County	Township of Occurrence New Brunswick City		Clery Location On Campus		
Latitude 40.4995924004	Longitude -74.4517489003	Beat Off Campus	Sub-Beat Off Campus		

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305. At all times material hereto, FRATERNITY DEFENDANTS, attempted to “cover up” and/or conceal evidence of the subject event by destroying, spoiling, and/or altering evidence documenting and capturing the subject event.

⁵⁰ *Rutgers Police Department Report.*

306. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously, negligently, carelessly and recklessly served intoxicating alcoholic beverages to plaintiff, a minor, under the legal age for consumption of alcohol, to the point of intoxication, and was otherwise careless, negligent, and reckless in protecting plaintiff from harm.

307. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously, negligently, carelessly and recklessly permitted plaintiff access to use dangerous steps while visibly intoxicated.

308. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously, acted with complete disregard for the safety of others by carelessly, negligently, recklessly promoting and facilitating the consumption of alcohol to the point of intoxication to persons less than twenty-one years of age, including plaintiff.

309. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously, had a duty to enforce and implement applicable precautions, rules, procedures, measures, policies, regulations and/or plans to protect pledges from harm and injury including but not limited to hazing, the coerced or forced consumption of alcohol, and the provision of alcohol to minors and failed to do so at all times material hereto.

310. At all times material hereto, the aforementioned subject incident was caused by DEFENDANTS jointly and/or severally and/or vicariously careless, reckless and negligent actions and/or inactions in failing to correct dangerous conditions and/or activities on/off the premises.

311. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously, did so wrongfully, negligently, carelessly, recklessly own, control, operate, maintain,

posses, lease, supervise, manage, rent, repair, design, occupy, care, secure, and/or inspect the premises so as to cause a dangerous condition and activities to exist thereon.

312. At all times material hereto, the dangerous conditions and activities constituted an unreasonably dangerous conditions created a reasonably foreseeable risk of harm incurred by plaintiff.

313. At all times material hereto, the aforesaid hazardous, dangerous and defective conditions on/of the premises created a reasonably foreseeable risk of injuries and damages which plaintiff sustained.

Damages



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314. As a result of the negligence, carelessness and recklessness of the defendants, jointly and/or severally and/or vicariously causing the subject incident, plaintiff, sustained

⁵¹ *Photograph capturing plaintiff after the subject incident.*

multiple injuries, including, but not limited to: multi compartment intracranial hemorrhage, fracture of left side of the occipital bone, traumatic brain injury (TBI), brain bleeding, brain swelling, blood clotting, facial fractures, skull fractures, lacerations, hematoma, permanent scarring and disfigurement, headache, syncope, cognitive impairment, as other injuries to his head, neck and back, their bones, cells, tissues, discs, muscles, cartilage, nerves and functions; together with shock and injury to his nerves and nervous system, some or all of which plaintiff has been advised are or may be permanent in nature.

315. As a direct and proximate result of the negligence, carelessness, and recklessness of the defendants, jointly and/or severally and/or vicariously causing the subject incident, plaintiff has undergone great physical pain suffering, inconvenience, embarrassment and mental anguish whereby plaintiff has been unable to enjoy the ordinary pleasures of life and he will continue to endure the same for an indefinite time in the future to his great detriment and loss.

316. As a direct and proximate result of the negligence, carelessness, and recklessness of the defendants, jointly and/or severally and/or vicariously causing the subject incident, plaintiff has become obliged to expend and/or incur large sums of money for medical attention and various purposes in an attempt to effect a cure for the aforesaid injuries, and plaintiff may be compelled to expend and/or incur additional sums for such medical attention and purposes for an indefinite time in the future.

317. As a direct and proximate result of the negligence, carelessness, and recklessness of the defendants, jointly and/or severally and/or vicariously causing the subject incident, plaintiff has undergone great physical pain and mental anguish, and he will continue to endure the same for an indefinite time in the future, to his great detriment and loss.

318. As a direct and proximate result of the negligence, carelessness, and recklessness of the defendants, jointly and/or severally and/or vicariously causing the subject incident, plaintiff has suffered an injury which is permanent, irreparable and severe.

319. As a direct and proximate result of the negligence, carelessness, and recklessness of the defendants, jointly and/or severally and/or vicariously causing the subject incident, plaintiff has or may suffer a severe loss because of expenses which have or may be reasonably incurred in obtaining ordinary and necessary services in lieu of those which plaintiff would have performed not for income, but for the benefit of himself, if he had not been so grievously injured.

320. As a direct and proximate result of the negligence, carelessness, and recklessness of the defendants, jointly and/or severally and/or vicariously causing the subject incident, plaintiff has been and will be prevented in the future from performing his usual duties, activities, occupations and vocations and has suffered past, present and future loss of earnings and wages and loss of past, present and future earning capacity.

321. As a direct and proximate result of the negligence, carelessness, and recklessness of the defendants, jointly and/or severally and/or vicariously causing the subject incident, plaintiff was unable to attend to his daily duties and occupation, thereby suffering a loss of earnings and/or impairment of earning capacity, which plaintiff may continue to suffer for an indefinite time in the future.

322. As a direct and proximate result of the negligence, carelessness, and recklessness of the defendants, jointly and/or severally and/or vicariously causing the subject incident, plaintiff has incurred associated incidental expenses for which the defendants are liable.

323. All of the foregoing averments are incorporated in the following Counts as though set forth therein at length.

COUNT II

PLAINTIFF, ARMAND RUNTE VS. DEFENDANTS, THETA CHI FRATERNITY INC., THE GRAND CHAPTER OF THETA CHI FRATERNITY INC., THE FOUNDATION CHAPTER OF THETA CHI FRATERNITY INC., THE NORWICH HOUSING CORPORATION, THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER, THETA CHI ALUMNI CORPORATION, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL, ROY LEE, RYLAN CHEW, GAVIN ROBERTSON, MICHAEL SEBASTIAN, GAVEN FERRARO, MIKE LUONGO, BRANDON AUFIERO, MATTHEW BOHINSKI, JAMES HOLT, DANIEL ERENBERG, CONSTANTINE SEDEREAS, HUNTER PETERSON, DREW UNGARTENAND JOHN DOES 1 TO 10, JANE DOES 1 TO 10, JOHN DOES INCORPORATED A TO Z, JOHN DOES PROFESSIONAL ASSOCIATIONS A TO Z, JOHN DOES PARTNERSHIP, I TO C AND JOHN DOES INSTITUTIONS, A TO Z, VARIOUS FICTITIOUS AND UNIDENTIFIED INDIVIDUALS, CORPORATIONS, PROFESSIONAL ASSOCIATIONS, PARTNERSHIPS AND INSTITUTIONS, INDIVIDUALLY, JOINTLY AND IN THE ALTERNATIVE

Negligence Per Se

Violations of Timothy J. Piazza’s “Anti-Hazing Law” N.J. Stat. § 2C:40-3 et. seq.

324. Plaintiff fully incorporate herein by reference all averments set forth above as if fully set forth herein.

325. At all times material hereto, hazing is prohibited by Timothy J. Piazza’s “Anti-Hazing Law” *N.J. Stat. § 2C:40-3 et. seq.*

326. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously had statutory duties to not haze plaintiff under *N.J. Stat. § 2C:40-3 et. seq.*

327. At all times material hereto, plaintiff was a college student pledging a fraternity and therefore one of the class of persons for whose protection of *N.J. Stat. § 2C:40-3 et. seq.* was adopted.

328. At all times material hereto, *N.J. Stat. § 2C:40-3 et. seq.* was to protect individuals like plaintiff from actions or situations which recklessly or knowingly subjects him to

any activity that creates a reasonable likelihood of bodily injury of a person for the purpose of initiation or admission into, or affiliation with an organization.

329. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously failed to comply with *N.J. Stat. § 2C:40-3 et. seq.* in the following respects:

- a) Recklessly endangering the mental health of pledges, including plaintiff for the purpose of initiation or admission into or affiliation with Beta Delta and Theta Chi;
- b) Recklessly endangering the emotional health of pledges, including plaintiff for the purpose of initiation or admission into or affiliation with Beta Delta and Theta Chi;
- c) Recklessly endangering the physical health of pledges, including plaintiff for the purpose of initiation or admission into or affiliation with Beta Delta and Theta Chi;
- d) Recklessly endangering the safety of pledges, including plaintiff for the purpose of initiation or admission into or affiliation with Beta Delta and Theta Chi;
- e) Causing, forcing, coercing, encouraging, and/or otherwise inducing pledges, including plaintiff to consume alcohol too the point of subjecting pledges to a risk of emotional harm for the purpose of initiation or admission into or affiliation with Beta Delta and Theta Chi;
- f) Causing, forcing, coercing, encouraging, and/or otherwise inducing pledges, including plaintiff to consume alcohol too the point of subjecting pledges to a risk of physical harm for the purpose of initiation or admission into or affiliation with Beta Delta and Theta Chi.

330. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously violated *N.J. Stat. § 2C:40-3 et. seq.* by engaging in hazing of pledges, including plaintiff at the subject premises on March 24, 2022.

331. As a direct result of the negligence, carelessness, and recklessness of DEFENDANTS jointly and/or severally and/or vicariously as set forth above, plaintiff was caused to sustain personal injuries and damages.

332. At all times material hereto, DEFENDANTS joint and/or several and/or vicarious conduct which caused plaintiff's personal injuries and damages is conduct of the nature that *N.J. Stat. § 2C:40-3 et. seq.* were designed to prevent.

333. All of the foregoing averments are incorporated in the following Counts as though set forth therein at length.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally, and in the alternative, for compensatory damages; consequential damages, punitive damages; exemplary damages, plaintiff's unreimbursed costs and fees caused by civil litigation; pain and suffering incurred as an innocent party, emotional damages, physical damages, psychological damages, permanent injury damages, and loss of enjoyment, interests, costs of suit, reasonable attorney's fees, and such other relief this Court deems appropriate.

COUNT III

PLAINTIFF, ARMAND RUNTE VS. DEFENDANTS, THETA CHI FRATERNITY INC., THE GRAND CHAPTER OF THETA CHI FRATERNITY INC., THE FOUNDATION CHAPTER OF THETA CHI FRATERNITY INC., THE NORWICH HOUSING CORPORATION, THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER, THETA CHI ALUMNI CORPORATION, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL, ROY LEE, RYLAN CHEW, GAVIN ROBERTSON, MICHAEL SEBASTIAN, GAVEN FERRARO, MIKE LUONGO, BRANDON AUFIERO, MATTHEW BOHINSKI, JAMES HOLT, DANIEL ERENBERG, CONSTANTINE SEDEREAS, HUNTER PETERSON, DREW UNGARTENAND JOHN DOES 1 TO 10, JANE DOES 1 TO 10, JOHN DOES INCORPORATED A TO Z, JOHN DOES PROFESSIONAL ASSOCIATIONS A TO Z, JOHN DOES PARTNERSHIP, I TO C AND JOHN DOES INSTITUTIONS, A TO Z, VARIOUS FICTITIOUS AND UNIDENTIFIED INDIVIDUALS, CORPORATIONS, PROFESSIONAL ASSOCIATIONS, PARTNERSHIPS AND INSTITUTIONS, INDIVIDUALLY, JOINTLY AND IN THE ALTERNATIVE

Negligence (Hazing)

Violations of New Jersey Law, Precautions, Rules, Procedures, Measures Policies, Regulations and/or Plans

334. Plaintiff fully incorporate herein by reference all averments set forth above as if fully set forth herein.

335. At all times material hereto, hazing is prohibited by Timothy J. Piazza's "Anti-Hazing Law"; University Policies, Rules, and Regulations; Fraternity Policies, Rules, and Regulations; and, applicable precautions, rules, procedures, measures policies, regulations and/or plans.

336. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously had legal duties to not haze plaintiff.

337. At all times material hereto, plaintiff is one of the class of persons for whose protection of Timothy J. Piazza's "Anti-Hazing Law"; University Policies, Rules, and Regulations; Fraternity Policies, Rules, and Regulations; and, applicable precautions, rules, procedures, measures policies, regulations and/or plans were adopted.

338. At all times relevant hereto, DEFENDANTS jointly and/or severally and/or vicariously published Rules, Policies and Regulations for, *inter alia*, to not haze on their websites.

339. At all times relevant hereto, DEFENDANTS jointly and/or severally and/or vicariously had a duty and was/were responsible for, *inter alia*, training, educating, supervising, monitoring, and enforcing published applicable precautions, rules, procedures, measures policies, regulations and/or plans.to the Beta Delta Chapter of the Theta Chi Fraternity.

340. At all times relevant hereto, DEFENDANTS jointly and/or severally and/or vicariously had a duty and responsibility for the care, safety, protection, and supervision of all fraternity pledges and guests of the Beta Delta Chapter of the Theta Chi Fraternity, including plaintiff, and similarly situated pledges and guests, and otherwise monitor and supervise the Beta Delta Chapter of the Theta Chi Fraternity.

341. At all times relevant hereto, DEFENDANTS jointly and/or severally and/or vicariously knew or should have known about the Fraternity pledge events, activity or tradition and the hazing of pledges and failed to protect plaintiff from the foreseeable harm that was likely to result and otherwise negligently, carelessly, and recklessly failed to implement and/or enforce proper and effective ; and, applicable precautions, rules, procedures, measures policies, regulations and/or plans regarding security, public safety, supervision of events, activities or traditions at the Beta Delta Chapter of the Theta Chi Fraternity premises involving hazing at fraternity events, activities or traditions

342. At all times material hereto, by causing, forcing, coercing, tolerating, assisting, encouraging, and/or giving material support to the conduct averred herein, DEFENDANTS jointly and/or severally and/or vicariously breached their/its/his/her duties of care to plaintiff.

343. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously conduct violated Timothy J. Piazza's "Anti-Hazing Law"; University Policies, Rules, and Regulations; Fraternity Policies, Rules, and Regulations; and applicable precautions, rules, procedures, measures policies, regulations and/or plans.

344. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously conduct which caused plaintiff's personal injuries and damages is conduct of the nature that Timothy J. Piazza's "Anti-Hazing Law"; University Policies, Rules, and Regulations; Fraternity Policies, Rules, and Regulations; and ; and, applicable precautions, rules, procedures, measures policies, regulations and/or plans were designed to prevent.

345. As a direct result of the negligence, carelessness, and recklessness of the DEFENDANTS jointly and/or severally and/or vicariously as set forth above, plaintiff was caused to sustain personal injuries and damages.

346. All of the foregoing averments are incorporated in the following Counts as though set forth therein at length.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally, and in the alternative, for compensatory damages; consequential damages, punitive damages; exemplary damages, plaintiff's unreimbursed costs and fees caused by civil litigation; pain and suffering incurred as an innocent party, emotional damages, physical damages, psychological damages, permanent injury damages, and loss of enjoyment, interests, costs of suit, reasonable attorney's fees, and such other relief this Court deems appropriate.

COUNT IV

PLAINTIFF, ARMAND RUNTE VS. DEFENDANTS, THETA CHI FRATERNITY INC., THE GRAND CHAPTER OF THETA CHI FRATERNITY INC., THE FOUNDATION CHAPTER OF THETA CHI FRATERNITY INC., THE NORWICH HOUSING CORPORATION, THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER, THETA CHI ALUMNI CORPORATION, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL, ROY LEE, RYLAN CHEW, GAVIN ROBERTSON, MICHAEL SEBASTIAN, GAVEN FERRARO, MIKE LUONGO, BRANDON AUFIERO, MATTHEW BOHINSKI, JAMES HOLT, DANIEL ERENBERG, CONSTANTINE SEDEREAS, HUNTER PETERSON, DREW UNGARTENAND JOHN DOES 1 TO 10, JANE DOES 1 TO 10, JOHN DOES INCORPORATED A TO Z, JOHN DOES PROFESSIONAL ASSOCIATIONS A TO Z, JOHN DOES PARTNERSHIP, I TO C AND JOHN DOES INSTITUTIONS, A TO Z, VARIOUS FICTITIOUS AND UNIDENTIFIED INDIVIDUALS, CORPORATIONS, PROFESSIONAL ASSOCIATIONS, PARTNERSHIPS AND INSTITUTIONS, INDIVIDUALLY, JOINTLY AND IN THE ALTERNATIVE

***Negligence (Service, Dispensing And Consumption Of Alcohol To Those Underage)*
Violations of NJ Law Violations of New Jersey Law, Precautions, Rules, Procedures, Measures Policies, Regulations and/or Plans**

347. Plaintiff fully incorporate herein by reference all averments set forth above as if fully set forth herein.

348. At all times material hereto, service, dispensing and allowing the consumption of alcohol by those that are underage is prohibited by New Jersey Law; University Policies, Rules, and Regulations; Fraternity Policies, Rules, and Regulations; and applicable precautions, rules, procedures, measures policies, regulations and/or plans.

349. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously had legal duties to not serve, dispense and allow the consumption of alcohol by those that are underage.

350. At all times material hereto, plaintiff is one of the class of persons for whose protection of New Jersey Law; University Policies, Rules, and Regulations; Fraternity Policies, Rules, and Regulations; and, applicable precautions, rules, procedures, measures policies, regulations and/or plans were adopted.

351. At all times relevant hereto, DEFENDANTS jointly and/or severally and/or vicariously published Rules, Policies and Regulations for, *inter alia*, to not serve, dispense and allow the consumption of alcohol by those that are underage on their websites.

352. At all times relevant hereto, DEFENDANTS jointly and/or severally and/or vicariously had a duty and responsibility for the care, safety, protection, and supervision of all fraternity pledges and guests of the at the Beta Delta Chapter of the Theta Chi Fraternity, including plaintiff, and similarly situated pledges and guests, and otherwise monitor and supervise the Beta Delta Chapter of the Theta Chi Fraternity.

353. At all times relevant hereto, Rules, Policies and Regulations jointly and/or severally and/or vicariously had a duty and was/were responsible for, *inter alia*, training, educating, supervising, monitoring, and enforcing published applicable precautions, rules,

procedures, measures policies, regulations and/or plans.to the Beta Delta Chapter of the Theta Chi Fraternity.

354. At all times relevant hereto, DEFENDANTS jointly and/or severally and/or vicariously had a duty and responsibility for the care, safety, protection, and supervision of all fraternity pledges and guests of the Beta Delta Chapter of the Theta Chi Fraternity, including plaintiff, and similarly situated pledges and guests, and otherwise monitor and supervise the Beta Delta Chapter of the Theta Chi Fraternity.

355. At all times relevant hereto, DEFENDANTS jointly and/or severally and/or vicariously knew or should have known about the Fraternity pledge events, activity or tradition and the dispensing, allowing, and/or consumption of intoxicating alcohol by underage persons and failed to protect plaintiff from the foreseeable harm that was likely to result and otherwise negligently, carelessly, and recklessly failed to implement and/or enforce proper and effective applicable precautions, rules, procedures, measures policies, regulations and/or plans regarding security, public safety, supervision of events, activities or traditions on or about the at the Beta Delta Chapter of the Theta Chi Fraternity premises involving alcohol and/or supervision fraternity events, activities or traditions

356. At all times material hereto, by causing, forcing, coercing, tolerating, assisting, encouraging, and/or giving material support to the conduct averred herein, DEFENDANTS jointly and/or severally and/or vicariously breached their/its/his/her duties of care to plaintiff.

357. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously conduct violated New Jersey Law; University Policies, Rules, and Regulations; Fraternity Policies, Rules, and Regulations; and, applicable precautions, rules, procedures, measures policies, regulations and/or plans.

358. At all times material hereto, DEFENDANTS jointly and/or severally and/or vicariously conduct which caused plaintiff's personal injuries and damages is conduct of the nature that New Jersey Law; University Policies, Rules, and Regulations; Fraternity Policies, Rules, and Regulations; and applicable precautions, rules, procedures, measures policies, regulations and/or plans. were designed to prevent.

359. As a direct result of the negligence, carelessness, and recklessness of the DEFENDANTS jointly and/or severally and/or vicariously as set forth above, plaintiff was caused to sustain personal injuries and damages.

360. All of the foregoing averments are incorporated in the following Counts as though set forth therein at length.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally, and in the alternative, for compensatory damages; consequential damages, punitive damages; exemplary damages, plaintiff's unreimbursed costs and fees caused by civil litigation; pain and suffering incurred as an innocent party, emotional damages, physical damages, psychological damages, permanent injury damages, and loss of enjoyment, interests, costs of suit, reasonable attorney's fees, and such other relief this Court deems appropriate.

COUNT V

PLAINTIFF, ARMAND RUNTE VS. DEFENDANTS, THETA CHI FRATERNITY INC., THE GRAND CHAPTER OF THETA CHI FRATERNITY INC., THE FOUNDATION CHAPTER OF THETA CHI FRATERNITY INC., THE NORWICH HOUSING CORPORATION, THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER, THETA CHI ALUMNI CORPORATION, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL, ROY LEE, RYLAN CHEW, GAVIN ROBERTSON, MICHAEL SEBASTIAN, GAVEN FERRARO, MIKE LUONGO, BRANDON AUFIERO, MATTHEW BOHINSKI, JAMES HOLT, DANIEL ERENBERG, CONSTANTINE SEDEREAS, HUNTER PETERSON, DREW UNGARTENAND JOHN DOES 1 TO 10, JANE DOES 1 TO 10, JOHN DOES INCORPORATED A TO Z, JOHN DOES PROFESSIONAL ASSOCIATIONS A TO Z,

**JOHN DOES PARTNERSHIP, I TO C AND JOHN DOES INSTITUTIONS, A TO Z,
VARIOUS FICTITIOUS AND UNIDENTIFIED INDIVIDUALS, CORPORATIONS,
PROFESSIONAL ASSOCIATIONS, PARTNERSHIPS AND INSTITUTIONS,
INDIVIDUALLY, JOINTLY AND IN THE ALTERNATIVE**

Negligence

Failure To Manage, Train, Monitor, Enforce, and Supervise

361. Plaintiff fully incorporate herein by reference all averments set forth above as if fully set forth herein.

362. At all times relevant hereto, DEFENDANTS jointly and/or severally and/or vicariously owed a duty to plaintiff to manage and oversee management, operations, and activities.

363. At all times relevant hereto, DEFENDANTS jointly and/or severally and/or vicariously were responsible for, *inter alia*, training, supervising, monitoring, and enforcing Fraternity Rules, Policies and Regulations; University Rules, Policies and Regulations; and, applicable precautions, rules, procedures, measures policies, regulations and/or plans.

364. At all times relevant hereto, DEFENDANTS jointly and/or severally and/or vicariously had a duty to control, oversee and supervise the events, activities or traditions of the Beta Delta Chapter of the Theta Chi Fraternity, Fraternity Members and Fraternity House.

365. At all times relevant hereto, DEFENDANTS jointly and/or severally and/or vicariously had a duty to manage the provision and use of alcohol in connection with recruitment, membership, rituals, activities, events pledging and pledge activities such as the subject event.

366. At all times relevant hereto, DEFENDANTS jointly and/or severally and/or vicariously knew or should have known about the fraternity event and the service of intoxicating alcohol to underage persons and failed to protect plaintiff from the foreseeable harm that was likely to result and was otherwise negligent.

367. At all times relevant hereto, DEFENDANTS jointly and/or severally and/or vicariously jointly and/or severally and/or vicariously breached duties owed to the plaintiff and were careless, negligent and reckless as follows:

- a) Failing to adequately train the Beta Delta Chapter of the Theta Chi Fraternity and its members on applicable risk management Rules, Policies, Procedures and Regulations;
- b) Failing to adequately train the Beta Delta Chapter of the Theta Chi Fraternity and its members on applicable alcohol Rules, Policies, and Procedures;
- c) Failing to adequately train the Beta Delta Chapter of the Theta Chi Fraternity and its members on applicable hazing Rules, Policies, and Procedures;
- d) Failing to adequately train Beta Delta Chapter of the Theta Chi Fraternity and its members and officers on applicable crisis management Rules, Policies, and Procedures;
- e) Failing to adequately train the Beta Delta Chapter of the Theta Chi Fraternity and its members on fraternity Rules, Policies, and Procedures;
- f) Failing to adequately train the Beta Delta Chapter of the Theta Chi Fraternity and its members on University Rules, Policies, and Procedures;
- g) Failing to provide effective supervision and control over Beta Delta Chapter of the Theta Chi Fraternity and its members and activities, events, and rituals authorized, directed and/or participated in by defendants;
- h) Failing to implement reasonable measures to enforce risk management Rules, Policies, Procedures and Regulations prohibiting the use of alcohol during pledging activities, events and/or rituals;
- i) Failing to implement reasonable measures to enforce risk management Rules, Policies, Procedures and Regulations prohibiting the consumption of alcohol by those underage during the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals;
- j) Failing to provide reasonable safeguards and restrictions and controls to prevent excessive drinking during the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals;
- k) Failing to provide reasonable responsible supervision over the Beta Delta Chapter of the Theta Chi Fraternity members involved in Fraternity pledging activities, events and/or rituals;

- l) Failing to provide reasonable responsible supervision over members involved in the Beta Delta Chapter of the Theta Chi Fraternity pledging activities, events and/or rituals;
- m) Failing to implement reasonable measures to prohibit the excessive use and consumption of alcohol during the Beta Delta Chapter of the Theta Chi Fraternity pledging activities, events and/or rituals;
- n) Failing to implement reasonable measures to prohibit the excessive use and consumption of alcohol during the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals;
- o) Failing to implement reasonable measures to enforce all applicable Rules, Policies, and Procedures prohibiting underage drinking during the Beta Delta Chapter of the Theta Chi Fraternity pledging activities, events and/or rituals;
- p) Failing to implement reasonable measures to enforce all applicable Rules, Policies, and Procedures prohibiting hazing during the Beta Delta Chapter of the Theta Chi Fraternity pledging activities, events and/or rituals;
- q) Failing to implement reasonable measures to enforce Timothy J. Piazza's "Anti-Hazing Law";
- r) Failing to implement reasonable measures to enforce University Rules, Policies, and Procedures;
- s) Failing to implement reasonable measures to enforce Fraternity Rules, Policies, and Procedures;
- t) Failing to implement reasonable measures to stop underage drinking during pledging activities, events and/or rituals;
- u) Failing to implement reasonable measures to stop hazing during pledging activities, events and/or rituals;
- v) Failing to investigate whether hazing was occurring at the Beta Delta Chapter of the Theta Chi Fraternity;
- w) Failing to investigate whether underage alcohol consumption was occurring at the Beta Delta Chapter of the Theta Chi Fraternity;
- x) Failing to adequately supervise the pledge process in particular and all activities in general at the Beta Delta Chapter of the Theta Chi Fraternity;
- y) Failing to adequately supervise members of the Beta Delta Chapter of the Theta Chi Fraternity involved the pledging process;
- z) Failing to discipline members of the Beta Delta Chapter of the Theta Chi Fraternity who were known or should have been known to haze;
- aa) Requiring that pledges go through hazing before becoming members;
- bb) Requiring that underage pledges consume alcohol before becoming members;
- cc) Failing to warn plaintiff of dangerous hazing;
- dd) Failing to warn plaintiff of underage alcohol consumption;
- ee) Failing to adequately communicate to the Beta Delta Chapter of the Theta Chi Fraternity that hazing was prohibited;
- ff) Failing to adequately communicate to the Beta Delta Chapter of the Theta Chi Fraternity that underage alcohol consumption was prohibited;
- gg) Failing to adequately communicate to pledges that hazing was prohibited;

- hh) Failing to adequately communicate to Beta Delta Chapter of the Theta Chi Fraternity that underage alcohol consumption was prohibited;
- ii) Failing to adequately communicate to pledges that underage alcohol consumption was prohibited;
- jj) Failed to enforce all applicable Laws, Rules, Policies and Regulations to the Beta Delta Chapter of the Theta Chi Fraternity;
- kk) Failed to prevent Beta Delta Chapter of the Theta Chi Fraternity from serving alcohol to persons under the age of 21 prior to the subject incident;
- ll) Failed to prevent Beta Delta Chapter of the Theta Chi Fraternity from serving alcohol to plaintiff prior to the subject incident;
- mm) Failed to prevent Beta Delta Chapter of the Theta Chi Fraternity from serving alcohol to persons under the age of 21 on the date of the subject incident;
- nn) Failed to prevent Beta Delta Chapter of the Theta Chi Fraternity from serving alcohol to plaintiff on the date of the subject incident;
- oo) Failed to prevent Beta Delta Chapter of the Theta Chi Fraternity from violating applicable Laws, Rules, Policies and Regulations about serving alcohol to persons under the age of 21 prior to the subject incident;
- pp) Failed to enforce its own Rules, Policies and Regulations regarding hazing;
- qq) Failed to enforce all applicable Rules, Policies and Regulations regarding hazing;
- rr) Failed to enforce its own Rules, Policies and Regulations regarding serving alcohol to persons under the age of 21;
- ss) Failed to enforce all applicable Rules, Policies and Regulations regarding serving alcohol to persons under the age of 21;
- tt) Failed to enforce its own Rules, Policies and Regulations regarding alcohol consumption by an individual under the age of 21;
- uu) Failed to enforce all applicable Rules, Policies and Regulations regarding alcohol consumption by an individual under the age of 21;
- vv) Fostering an unsafe environment for underage alcohol consumption at the Beta Delta Chapter of the Theta Chi Fraternity;
- ww) Fostering an unsafe environment for service of alcohol to individuals under the age of 21 at the Beta Delta Chapter of the Theta Chi Fraternity;
- xx) Fostering an unsafe environment for hazing at the Beta Delta Chapter of the Theta Chi Fraternity;
- yy) Failing to address known, obvious, unsafe and underage drinking of alcohol at the Beta Delta Chapter of the Theta Chi Fraternity;
- zz) Failing to address known, obvious, and unsafe service of alcohol at the Beta Delta Chapter of the Theta Chi Fraternity;
- aaa) Failed to report violations of Rules, Policies and Regulations;
- bbb) Failure to perform duties on the date of the subject event;
- ccc) Failed to prevent the service and consumption of alcohol at the Beta Delta Chapter of the Theta Chi Fraternity to the plaintiff;
- ddd) Failed to prevent hazing of the plaintiff at the Beta Delta Chapter of the Theta Chi Fraternity;

- eee) Failed to hire qualified individuals to implement and enforce all applicable Rules, Policies and Regulations;
- fff) Failed to hire qualified individuals to prevent hazing at the Beta Delta Chapter of the Theta Chi Fraternity;
- ggg) Failed to hire qualified individuals to prevent underage alcohol consumption at the Beta Delta Chapter of the Theta Chi Fraternity;
- hhh) Failed to properly train those with responsibilities to prevent hazing;
- iii) Failed to properly train those with responsibilities to prevent underage alcohol consumption;
- jjj) Failed to properly train those with responsibilities to prevent service of alcohol to individuals being underage;
- kkk) Hiring and enabling of untrained individuals with responsibilities to prevent hazing at the Beta Delta Chapter of the Theta Chi Fraternity;
- lll) Hiring and enabling of untrained individuals with responsibilities to prevent underage alcohol consumption at the Beta Delta Chapter of the Theta Chi Fraternity;
- mmm) Hiring and enabling of untrained individuals with responsibilities to prevent service of alcohol to underage individuals at the Beta Delta Chapter of the Theta Chi Fraternity;
- nnn) Hiring and enabling of untrained individuals with responsibilities to implement and enforce all applicable Rules, Policies and Regulations that apply to the Beta Delta Chapter of the Theta Chi Fraternity;
- ooo) In plaintiff being hazed, including but not limited to, coercing and forcing plaintiff to drink alcohol in excessive and dangerous amounts;
- ppp) In failing to stop plaintiff from being hazed, including but not limited to, plaintiff being coerced and forced to drink alcohol in excessive and dangerous amounts;
- qqq) In failing to stop the hazing activities;
- rrr) In failing to follow the applicable anti-hazing and alcohol Rules, Policies and Regulations;
- sss) In failing to recognize that the hazing activities during the subject event were excessive and would result in serious and permanent injuries to plaintiff;
- ttt) In failing to notify and inform those in a position to stop the hazing activities, that the hazing activities had gotten out of hand, and had the potential for causing serious and permanent injuries to plaintiff;
- uuu) In failing to inform plaintiff that he was not required to submit to hazing which was violative of the pronounced Rules, Policies and Regulations of all defendants;
- vvv) In failing to warn plaintiff of the dangerous environment and activities, events and rituals at the Beta Delta Chapter of the Theta Chi Fraternity;
- www) In providing the environment for the hazing of plaintiff;
- xxx) In providing the environment for alcohol to be served to the underage plaintiff;
- yyy) In providing the environment for alcohol to be consumed by the underage plaintiff;

- zzz) In failing to warn plaintiff of the dangers of hazing; and,
- aaaa) In failing to exercise ordinary care under the circumstances.

368. As a direct result of the negligence, carelessness, and recklessness of the DEFENDANTS jointly and/or severally and/or vicariously as set forth above, DEFENDANTS jointly and/or severally and/or vicariously are liable for plaintiff's personal injuries and damages set forth above.

369. All of the foregoing averments are incorporated in the following Counts as though set forth therein at length.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally, and in the alternative, for compensatory damages, interests, costs of suit, reasonable attorney's fees, and such other relief this Court deems appropriate.

COUNT VI

PLAINTIFF, ARMAND RUNTE VS. DEFENDANTS, THETA CHI FRATERNITY INC., THE GRAND CHAPTER OF THETA CHI FRATERNITY INC., THE FOUNDATION CHAPTER OF THETA CHI FRATERNITY INC., THE NORWICH HOUSING CORPORATION, THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER, THETA CHI ALUMNI CORPORATION, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL, ROY LEE, RYLAN CHEW, GAVIN ROBERTSON, MICHAEL SEBASTIAN, GAVEN FERRARO, MIKE LUONGO, BRANDON AUFIERO, MATTHEW BOHINSKI, JAMES HOLT, DANIEL ERENBERG, CONSTANTINE SEDEREAS, HUNTER PETERSON, DREW UNGARTENAND JOHN DOES 1 TO 10, JANE DOES 1 TO 10, JOHN DOES INCORPORATED A TO Z, JOHN DOES PROFESSIONAL ASSOCIATIONS A TO Z, JOHN DOES PARTNERSHIP, I TO C AND JOHN DOES INSTITUTIONS, A TO Z, VARIOUS FICTITIOUS AND UNIDENTIFIED INDIVIDUALS, CORPORATIONS, PROFESSIONAL ASSOCIATIONS, PARTNERSHIPS AND INSTITUTIONS, INDIVIDUALLY, JOINTLY AND IN THE ALTERNATIVE

Negligence
Premises

370. Plaintiff fully incorporate herein by reference all averments set forth above as if fully set forth herein.

371. At all times relevant hereto, DEFENDANTS jointly and/or severally and/or vicariously breached duties owed to the plaintiff and were careless, negligent, and reckless as follows:

- a. In hazing, including but not limited to, coercing and forcing plaintiff to drink alcohol in excessive and dangerous amounts;
- b. In providing alcoholic beverages to plaintiff during a pledge event, activity and/or tradition;
- c. In providing alcoholic beverages to plaintiff on the premises;
- d. In failing to recognize that the hazing activities of subject event were excessive and would result in serious and permanent injuries to plaintiff;
- e. In failing to notify and inform those in a position to stop the hazing activities that the hazing activities had gotten out of hand and had the potential for causing serious and permanent injuries to plaintiff
- f. Failing to address known, obvious, and unsafe service of alcoholic beverages to underage individuals at Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or traditions;
- g. Failed to prevent the Beta Delta Chapter of the Theta Chi Fraternity members from providing alcoholic beverages to plaintiff on the premises;
- h. Failed to prevent the service and consumption of alcohol by the plaintiff on the premises;
- i. Failed to prevent the Beta Delta Chapter of the Theta Chi Fraternity members from hazing plaintiff;
- j. Failed to prevent the Beta Delta Chapter of the Theta Chi Fraternity members from providing service of alcoholic beverages for consumption to plaintiff;
- k. Failed to prevent Beta Delta Chapter of the Theta Chi Fraternity from serving alcoholic beverages for consumption to plaintiff on the date of the subject incident;
- l. Failed to prevent the service of alcoholic beverages for consumption to the plaintiff by members of the Beta Delta Chapter of the Theta Chi Fraternity;
- m. Failed to prevent the consumption of alcoholic beverages by the plaintiff by members of the Beta Delta Chapter on the premises;
- n. Failed to prevent hazing of the plaintiff by members of the Beta Delta Chapter of the Theta Chi Fraternity;
- o. In failing to stop the hazing of plaintiff by the Beta Delta Chapter of the Theta Chi Fraternity;
- p. In failing to stop the hazing of plaintiff by members of the Beta Delta Chapter of the Theta Chi Fraternity;
- q. In providing the environment for the hazing of plaintiff;
- r. In providing the environment for alcoholic beverages to be served to underage plaintiff;

- s. In providing the environment for alcoholic beverages to be consumed by the underage plaintiff;
- t. Fostering an unsafe environment for service of alcoholic beverages to individuals under the age of 21 by members of the Beta Delta Chapter of the Theta Chi Fraternity;
- u. Fostering an unsafe environment for consumption of alcoholic beverages by individuals under the age of 21 on the premises;
- v. Fostering an unsafe environment for hazing by members of the Beta Delta Chapter of the Theta Chi Fraternity;
- w. Fostering an unsafe environment for underage individuals to consume alcoholic beverages on the premises;
- x. In allowing a dangerous and hazardous activity to exist on the premises at the time of plaintiff's injuries;
- y. In failing to follow established anti-hazing precautions, rules, procedures, measures, policies, regulations, and/or plans;
- z. In failing to follow established service of alcohol to minors precautions, rules, procedures, measures, policies, regulations, and/or plans;
- aa. In failing to stop hazing by Beta Delta Chapter of the Theta Chi Fraternity;
- bb. In failing to provide proper supervision of activities, events and/or traditions by the Beta Delta Chapter of the Theta Chi Fraternity involving drinking;
- cc. In failing to provide proper supervision of activities, events and/or traditions by the Beta Delta Chapter of the Theta Chi Fraternity on the premises;
- dd. Failing to provide effective supervision and control over Beta Delta Chapter of the Theta Chi Fraternity and its members and activities, events, and rituals authorized, directed and/or participated in by defendants;
- ee. Failing to warn persons of the existence of said dangerous condition of which defendant knew, or should have known had they made reasonable inspections;
- ff. Failing to provide reasonable responsible supervision over the Beta Delta Chapter of the Theta Chi Fraternity members that were involved in Fraternity pledging activities, events and/or rituals;
- gg. Failing to provide reasonable responsible supervision over the Beta Delta Chapter of the Theta Chi Fraternity on the premises;
- hh. Failing to adequately supervise the pledge process in particular and all activities, events and/or traditions in general at the Beta Delta Chapter of the Theta Chi Fraternity;
- ii. Failing to discipline members of the Beta Delta Chapter of the Theta Chi Fraternity who were known or should have been known to haze;
- jj. Failing to make any changes to precautions, rules, procedures, measures, policies, regulations, and/or plans despite a reasonable basis to make changes;
- kk. Failing to adequately train the Beta Delta Chapter of the Theta Chi Fraternity and its members on applicable risk management precautions, rules, procedures, measures, policies, regulations, and/or plans;

- ll. Failing to adequately train the Beta Delta Chapter of the Theta Chi Fraternity and its members on applicable hazing precautions, rules, procedures, measures, policies, regulations, and/or plans;
- mm. Failing to adequately train Beta Delta Chapter of the Theta Chi Fraternity and its members and officers on applicable crisis management precautions, rules, procedures, measures, policies, regulations, and/or plans;
- nn. Failing to adequately train the Beta Delta Chapter of the Theta Chi Fraternity and its members on fraternity precautions, rules, procedures, measures, policies, regulations, and/or plans;
- oo. Failing to adequately train the Beta Delta Chapter of the Theta Chi Fraternity and its members on University precautions, rules, procedures, measures, policies, regulations, and/or plans;
- pp. Failing to adequately train the Beta Delta Chapter of the Theta Chi Fraternity and its members on applicable alcohol precautions, rules, procedures, measures, policies, regulations, and/or plans;
- qq. In failing to enforce all precautions, rules, procedures, measures, policies, regulations, and/or plans as they applied to the Beta Delta Chapter of the Theta Chi Fraternity;
- rr. In failing to stop plaintiff from being hazed, including but not limited to, plaintiff being coerced and forced to drink alcohol in excessive and dangerous amounts;
- ss. In failing to warn plaintiff of the dangers of hazing;
- tt. In failing to inform plaintiff that he was not required to submit to hazing which was violative of the known and established precautions, rules, procedures, measures, policies, regulations, and/or plans;
- uu. In failing to educate, inform, and/or communicate to pledges, including plaintiff, that they are not required to undergo hazing as a part of the pledging process;
- vv. In failing to investigate whether hazing was occurring by members of the Beta Delta Chapter of the Theta Chi Fraternity;
- ww. In failing to investigate whether hazing was occurring on the premises;
- xx. In failing to investigate whether underage individuals were being provided alcohol by members of the Beta Delta Chapter of the Theta Chi Fraternity;
- yy. In failing to investigate whether underage individuals were being provided alcohol on the premises;
- zz. In failing to investigate whether underage individuals were drinking alcohol on the premises;
- aaa. Failed to report violations of known and established precautions, rules, procedures, measures, policies, regulations, and/or plans;
- bbb. Failing to warn plaintiff of underage alcohol consumption;
- ccc. In failing to inform plaintiff that he was not required to drink alcoholic beverages which was violative of the pronounced established precautions, rules, procedures, measures, policies, regulations, and/or plans;;
- ddd. In failing to warn plaintiff of the dangerous environment and activities, events and/or rituals at the Beta Delta Chapter of the Theta Chi Fraternity;

- eee. Failing to implement reasonable measures to stop underage drinking during pledging activities, events and/or rituals;
- fff. Failing to implement reasonable measures to stop hazing during pledging activities, events and/or rituals;
- ggg. Failing to implement reasonable measures to enforce Timothy J. Piazza's "Anti-Hazing Law";
- hhh. Failing to implement reasonable measures to enforce University Rules, Policies, and Procedures;
- iii. Failing to implement reasonable measures to enforce Fraternity Rules, Policies, and Procedures;
- jjj. Failing to adequately communicate to the Beta Delta Chapter of the Theta Chi Fraternity that hazing was prohibited;
- kkk. Failing to adequately communicate to the Beta Delta Chapter of the Theta Chi Fraternity that underage alcohol consumption was prohibited;
- lll. Failing to adequately communicate to pledges that hazing was prohibited;
- mmm. Failing to adequately communicate to pledges that underage alcohol consumption was prohibited;
- nnn. Failed to enforce its own precautions, rules, procedures, measures, policies, regulations, and/or plans regarding serving alcohol to persons under the age of 21;
- ooo. Failed to enforce all applicable precautions, rules, procedures, measures, policies, regulations, and/or plans regarding serving alcohol to persons under the age of 21;
- ppp. Failed to enforce its own precautions, rules, procedures, measures, policies, regulations, and/or plans regarding alcohol consumption by an individual under the age of 21;
- qqq. Failed to enforce all applicable precautions, rules, procedures, measures, policies, regulations, and/or plans regarding alcohol consumption by an individual under the age of 21;
- rrr.
- sss. Failed to prevent Beta Delta Chapter of the Theta Chi Fraternity from serving alcoholic beverages to persons under the age of 21 prior to the subject incident;
- ttt. Failed to prevent Beta Delta Chapter of the Theta Chi Fraternity from serving alcoholic beverages to plaintiff prior to the subject incident;
- uuu. Failed to prevent Beta Delta Chapter of the Theta Chi Fraternity from serving alcohol to persons under the age of 21 on the date of the subject incident;
- vvv. Knowingly allowing the Beta Delta Chapter of the Theta Chi Fraternity to serve alcohol on the premises to underage individuals;
- www. Knowingly allowing the Beta Delta Chapter of the Theta Chi Fraternity to serve alcohol to underage individuals;
- xxx. Knowingly allowing the underage individuals to consume alcoholic beverages on the premises;

- yyy. Knowingly allowing the underage individuals to consume alcoholic beverages during a Beta Delta Chapter of the Theta Chi Fraternity event, activity and/or tradition;
- zzz. Requiring that pledges go through hazing before becoming members;
- aaaa. Requiring that underage pledges drink alcoholic beverages before becoming members;
- bbbb. In condoning hazing activities, events and/or traditions involving hazing and/or alcohol use;
- cccc. In failing to exercise ordinary care under the circumstances;
- dddd. In failing to warn plaintiff of the dangerous environment and activities held on the premises;
- eeee. Failing to inspect the premises at reasonable intervals in order to determine the condition of the premises and activities conducted on the premises;
- ffff. Failing to have kept said premises in its possession and control in a reasonably safe condition at the time and place of plaintiff's injuries.
- gggg. Caused or permitting an unreasonable risk of injury to plaintiff;
- hhhh. Failing to follow generally accepted standards of care applicable to the operation of the premises;
- iiii. Failing to correct known problems;
- jjjj. Failed to carry on its activities involving the premises so as to not endanger individuals, such as the plaintiff;
- kkkk. Failed to warn plaintiff of the risk of harm;
- llll. Failed to take steps to provide for the safety of plaintiff, prior to the time of plaintiff's fall;
- mmmm. Failed to maintain the premises reasonably safe condition prior to the time of plaintiff's fall for the anticipated use by persons like the plaintiff;
- nnnn. General lack of regard for the public;
- oooo. Caused or permitted conditions and/or behavior to exist for such time that it posed an unreasonable risk of injury to plaintiff and other invitees;
- pppp. Failing to perform duties that it had assumed;
- qqqq. Failing to maintain the premises in a safe way;
- rrrr. Failing to exercise due care under the circumstances;
- ssss. Failed to take safety precautions to prevent and injury to plaintiff;
- tttt. Failed to give adequate warnings to plaintiff;
- uuuu. Failing to correct dangerous conditions and/or behavior within the premises;
- vvvv. Failure to exercise reasonable care under the circumstances;
- wwww. Failing to maintain the premises in a reasonably safe manner for persons visiting the premises like the plaintiff;
- xxxx. Failure to take proper precautions so that plaintiff would not have been injured;
- yyyy. Failing to provide safe and adequate enjoyment of the subject premises;
- zzzz. Failing to properly and timely remediate dangerous conditions on said subject premises;
- aaaaa. Violated the ordinances of the Township building codes;

- bbbb. Failure to perform duties on the date of the subject event;
- cccc. Failing to properly supervise and/or manage;
- dddd. Failing to properly instruct;
- eeee. Caused or permitted dangerous hazardous, and defective conditions to remain on the premises for an unreasonable period of time;
- ffff. Failed to keep the subject premises free from hazardous, dangerous and defective conditions prior to the time of plaintiff's fall;
- gggg. Failed to provide plaintiff a safe and adequate passage;
- hhhh. Failed to allow plaintiff to secure proper footing on the stairs within said premises;
- iiii. Failed to warn or give notice to plaintiff of the hazardous, dangerous and defective conditions in order to prevent injury to the plaintiff, and other visitors, guests and/or pledges while traversing the premises;
- jjjj. Caused or permitted a defective condition at the aforesaid premises to remain and continue to deteriorate on the defective stairway for an unreasonable amount of time, so as to pose an unreasonable risk of injury to plaintiff, while using the stairs within said premises;
- kkkk. Caused or permitted hazardous, dangerous and defective conditions on the premises, which involve a risk of harm to guests, pledges, and invitees such as the plaintiff;
- llll. Caused or permitted hazardous, dangerous and defective conditions to exist on the premises, of which defendants knew, or should have known of the hazardous, dangerous and defective conditions by the exercise of reasonable care;
- mmmm. Caused or permitted highly dangerous hazardous, dangerous and defective conditions to exist on the premises for an unreasonable amount of time;
- nnnn. Failed to put the premises in a reasonably safe condition for the reasonably anticipated use of individuals, such as plaintiff, who foreseeably would traverse the premises prior to the time of plaintiff's fall;
- oooo. Failed to make the hazardous, dangerous and defective conditions on the premises safe for the anticipated use by plaintiff, prior to the time of plaintiff's fall;
- pppp. Failed to partition the stairway on the premises prior to the time of plaintiff's fall so that plaintiff could avoid hazardous, dangerous and defective conditions while on the premises;
- qqqq. Failed to protect guests, pledges and invitees, such as the plaintiff, against hazardous, dangerous and defective conditions located on the premises;
- rrrr. Failed to warn of the hazardous, dangerous and defective conditions that existed on the premises;
- ssss. Failed to take proper precautions prior to the time of plaintiff's fall so that plaintiff would not have encountered hazardous, dangerous and defective conditions on the premises;
- tttt. Failed to use warning signs/devices, erect barricades, or take any other safety precautions to alert plaintiff prior to the time of plaintiff's fall of the hazardous, dangerous and defective conditions posed when traversing the premises;

- uuuuu. Failed to properly maintain said premises in a safe manner prior to the time of plaintiff's fall to prevent the existence of hazardous, dangerous and defective conditions;
- vvvvv. Failed to timely remove a known hazardous, dangerous and defective conditions;
- wwwww. Failed to properly maintain the premises in a safe condition, despite the fact that defendants had reason to know of the dangerous, hazardous, and defective conditions prior to the time of plaintiff's fall;
- xxxxx. Violated local ordinances, codes, and/or laws;
- yyyyy. Failed to properly inspect, discover, and remedy the hazardous, dangerous and defective conditions which existed which defendants knew, or reasonably should have known existed prior to the time of plaintiff's fall;
- zzzzz. Failed to remove hazardous, dangerous and defective conditions from the premises that would have been discovered with a reasonable investigation prior to the time of plaintiff's fall;
- aaaaa. Failed to make a reasonable timely inspection of the premises which would have revealed the existence of hazardous, dangerous and defective conditions;
- bbbbb. Failing to reasonably timely inspect the subject premises prior to the time of plaintiff's fall;
- ccccc. In failing to have performed timely inspections of the premises and its events, activities and/or traditions held by the Beta Delta Chapter of the Theta Chi Fraternity;
- dddddd. Failed to have policies in place that timely inspect, identify, address and mitigate dangerous, hazardous, and defective conditions on the premises, prior to the time of plaintiff's fall;
- eeeee. Failed to employ, contract, and/or retain professional, responsible and/or reliable employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives, members, staff, administrators, representatives, workers, contractors, personnel, company, entity and/or individual to timely repair the premises, prior to the time of plaintiff's fall;
- ffffff. Failed to employ, contract, and/or retain professional, responsible and/or reliable employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives, members, staff, administrators, representatives, workers, contractors, personnel, company, entity and/or individual to properly repair the premises, prior to the time of plaintiff's fall;
- gggggg. Failed to employ, contract, and/or retain professional, responsible and/or reliable employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives, members, staff, administrators, representatives, workers, contractors, personnel, company, entity and/or individual to timely inspect, identify, address and mitigate dangerous, hazardous, and defective conditions on the premises, prior to the time of plaintiff's fall;

- hhhhhh. Failed to employ, contract, and/or retain professional, responsible and/or reliable employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives, members, staff, administrators, representatives, workers, contractors, personnel, company, entity and/or individual to timely repair the commercial premises prior to the time of plaintiff's fall;
- iiiiii. Failed to employ, contract, and/or retain professional, responsible and/or reliable employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives, members, staff, administrators, representatives, workers, contractors, personnel, company, entity and/or individual to maintain the premises prior to the time of plaintiff's fall;
- jjjjjj. Failed to coordinate with other employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives, members, staff, administrators, representatives, workers, contractors, personnel, company, entity and/or individual capable of successfully and timely inspection, identification, and mitigation of dangerous, hazardous, and defective conditions on the premises, prior to the time of plaintiff's fall;
- kkkkkk. Failed to employ, contract, and/or retain a professional, responsible and/or reliable employee, agent, staff, representative, worker, contractor, servant, personnel, company, entity and/or individual to safely remedy the known dangerous, hazardous, defective conditions of the premises that caused fall, prior to the time of plaintiff's fall;
- llllll. Failed to hire qualified employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives and/or members staff, administrators, representatives, workers, contractors, and/or personnel to prevent hazing;
- mmmmmm. Failed to hire qualified employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives and/or members staff, administrators, representatives, workers, contractors, and/or personnel with responsibilities to prevent underage individuals and/or pledges from being provided alcoholic beverages for consumption on the premises; by members of the Beta Delta Chapter of the Theta Chi Fraternity; and/or, at the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals;
- nnnnnn. Failed to hire qualified employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives and/or members staff, administrators, representatives, workers, contractors, and/or personnel with responsibilities to prevent underage individuals and/or pledges consuming and/or drinking alcoholic beverages on the premises; and/or, at the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals;
- oooooo. Failed to hire qualified employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives and/or members staff, administrators, representatives,

- workers, contractors, and/or personnel with responsibilities to prevent hazing on the premises; during the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals; and/or by members of the Beta Delta Chapter of the Theta Chi Fraternity
- pppppp. Failed to hire qualified employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives and/or members staff, administrators, representatives, workers, contractors, and/or personnel with responsibilities to prevent underage individuals and/or pledges are not provided alcoholic beverages for consumption by the Beta Delta Chapter of the Theta Chi Fraternity;
- qqqqqq. Failed to hire qualified employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives and/or members staff, administrators, representatives, workers, contractors, and/or personnel to implement precautions, rules, procedures, measures, policies, regulations, and/or plans as they applied to the Beta Delta Chapter of the Theta Chi Fraternity;
- rrrrrr. Hired unfit employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives and/or members staff, administrators, representatives, workers, contractors, and/or personnel;
- ssssss. Hiring and enabling of untrained their/its employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives and/or members staff, administrators, representatives, workers, contractors, and/or personnel with responsibilities to prevent hazing;
- tttttt. Hiring and enabling of untrained their/its employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives and/or members staff, administrators, representatives, workers, contractors, and/or personnel with responsibilities to prevent underage alcohol consumption;
- uuuuuu. Hiring and enabling of untrained their/its employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives and/or members staff, administrators, representatives, workers, contractors, and/or personnel with responsibilities to implement and enforce all applicable precautions, rules, procedures, measures, policies, regulations, and/or plans;
- vvvvvv. Failed to hire qualified individuals to implement and enforce all applicable precautions, rules, procedures, measures, policies, regulations, and/or plans;
- wwwwww. Failed to hire qualified individuals to prevent hazing by the Beta Delta Chapter of the Theta Chi Fraternity;
- xxxxxx. Failed to hire qualified individuals to prevent underage alcohol consumption on the premises;
- yyyyyy. Failed to hire qualified individuals to prevent service of alcoholic beverages to minors by members of the Beta Delta Chapter of the Theta Chi Fraternity;

- zzzzzz. Hiring and enabling of untrained individuals with responsibilities to prevent hazing by the Beta Delta Chapter of the Theta Chi Fraternity;
- aaaaaaa. Hiring and enabling of untrained individuals with responsibilities to prevent alcoholic consumption by minors on the premises;
- bbbbbbb. Hiring and enabling of untrained individuals with responsibilities to prevent service of alcohol for consumption to underage individuals by members of the Beta Delta Chapter of the Theta Chi Fraternity;
- ccccccc. Hiring and enabling of untrained individuals with responsibilities to implement and enforce all applicable precautions, rules, procedures, measures, policies, regulations, and/or plans that apply to the Beta Delta Chapter of the Theta Chi Fraternity;
- ddddddd. In failing to adopt, enact, employ, implement and/or enforce proper, adequate and reasonable safety precautions, rules, procedures, measures, policies, regulations, and/or plans for the safety of individuals, invitees and pledges such as plaintiff on the premises;
- eeeeeee. In failing to adopt, enact, employ, implement and/or enforce proper, adequate and reasonable safety precautions, rules, procedures, measures, policies, regulations, and/or plans that address notice and removal of dangerous conditions on the premises;
- ffffff. In failing to adopt, enact, employ, implement and/or enforce proper, adequate and reasonable safety precautions, rules, procedures, measures, policies, regulations, and/or plans that address notice and removal of dangerous behavior on the premises;
- ggggggg. In failing to adopt, enact, employ, implement and/or enforce proper, adequate and reasonable safety precautions, rules, procedures, measures, policies, regulations, and/or plans for service of alcoholic beverages to underage individuals on the premises and by members of the Beta Delta Chapter of the Theta Chi Fraternity;
- hhhhhhh. In failing to adopt, enact, employ, implement and/or enforce proper, adequate and reasonable safety precautions, rules, procedures, measures, policies, regulations, and/or plans for anti-hazing on the premises and by members of the Beta Delta Chapter of the Theta Chi Fraternity;
- iiiiiii. In failing to adopt, enact, employ, implement and/or enforce proper, adequate and reasonable measures to enforce all applicable precautions, rules, procedures, measures, policies, regulations, and/or plans prohibiting underage pledges and/or individuals from being provided alcoholic beverages for consumption on the premises; by members of the Beta Delta Chapter of the Theta Chi Fraternity; and/or, at the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals;
- jjjjjjj. In failing to adopt, enact, employ, implement and/or enforce proper, adequate and reasonable measures to enforce all applicable precautions, rules, procedures, measures, policies, regulations, and/or plans prohibiting underage pledges and/or individuals from consuming and/or drinking alcoholic beverages on the premises; and/or, at the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals;

- kkkkkkk. In failing to adopt, enact, employ, implement and/or enforce proper, adequate and reasonable measures to enforce all applicable precautions, rules, procedures, measures, policies, regulations, and/or plans prohibiting hazing on the premises; during the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals; and/or by members of the Beta Delta Chapter of the Theta Chi Fraternity;
- lllllll. In failing to adopt, enact, employ, implement and/or enforce proper, adequate and reasonable measures to enforce all applicable precautions, rules, procedures, measures, policies, regulations, and/or plans prohibiting underage pledges and/or individuals be provided alcoholic beverages for consumption by the Beta Delta Chapter of the Theta Chi Fraternity;
- mmmmmmm. In failing to adopt, enact, employ, implement and/or enforce proper, adequate and reasonable measures to ensure that underage pledges and/or individuals would not be provided alcoholic beverages for consumption on the premises; by members of the Beta Delta Chapter of the Theta Chi Fraternity; and/or, at the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals;
- nnnnnnn. In failing to adopt, enact, employ, implement and/or enforce proper, adequate and reasonable measures to ensure that underage pledges and/or individuals would not consume and/or drink alcoholic beverages on the premises; and/or, at the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals;
- ooooooo. In failing to adopt, enact, employ, implement and/or enforce proper, adequate and reasonable measures to ensure hazing does not occur on the premises; during the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals; and/or by members of the Beta Delta Chapter of the Theta Chi Fraternity;
- ppppppp. In failing to adopt, enact, employ, implement and/or enforce proper, adequate and reasonable measures to ensure that underage pledges and/or individuals are not provided alcoholic beverages for consumption by the Beta Delta Chapter of the Theta Chi Fraternity;
- qqqqqqq. In failing to adopt, enact, employ, implement and/or enforce proper, adequate and reasonable measures to enforce risk management precautions, rules, procedures, measures, policies, regulations, and/or plans prohibiting underage pledges and/or individuals from being provided alcoholic beverages for consumption on the premises; by members of the Beta Delta Chapter of the Theta Chi Fraternity; and/or, at the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals;
- rrrrrrr. In failing to adopt, enact, employ, implement and/or enforce proper, adequate and reasonable measures to enforce risk management precautions, rules, procedures, measures, policies, regulations, and/or plans prohibiting underage pledges and/or individuals from consuming and/or drinking alcoholic beverages on the premises; and/or, at the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals;
- sssssss. In failing to adopt, enact, employ, implement and/or enforce proper, adequate and reasonable measures to enforce risk management

- precautions, rules, procedures, measures, policies, regulations, and/or plans prohibiting hazing on the premises; during the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals; and/or by members of the Beta Delta Chapter of the Theta Chi Fraternity;
- tttttt. In failing to adopt, enact, employ, implement and/or enforce proper, adequate and reasonable measures to enforce risk management precautions, rules, procedures, measures, policies, regulations, and/or plans to ensure that underage pledges and/or individuals are not provided alcoholic beverages for consumption by the Beta Delta Chapter of the Theta Chi Fraternity;
- uuuuuuu. In failing to provide reasonable safeguards and restrictions and controls prohibiting underage pledges and/or individuals from being provided alcoholic beverages for consumption on the premises; by members of the Beta Delta Chapter of the Theta Chi Fraternity; and/or, at the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals;
- vvvvvvv. In failing to provide reasonable safeguards and restrictions and controls prohibiting underage pledges and/or individuals from consuming and/or drinking alcoholic beverages on the premises; and/or, at the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals;
- wwwwwww. In failing to provide reasonable safeguards and restrictions and controls prohibiting hazing on the premises; during the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals; and/or by members of the Beta Delta Chapter of the Theta Chi Fraternity;
- xxxxxxx. In failing to provide reasonable safeguards and restrictions and controls to ensure that underage pledges and/or individuals are not provided alcoholic beverages for consumption by the Beta Delta Chapter of the Theta Chi Fraternity;
- yyyyyyy. Failed to properly train their/its their/its employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives and/or members staff, administrators, representatives, workers, contractors, and/or personnel;
- zzzzzzz. Failed to properly train their/its their/its employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives and/or members staff, administrators, representatives, workers, contractors, and/or personnel with responsibilities in properly preventing hazing;
- aaaaaaa. Failed to properly train their/its their/its employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives and/or members staff, administrators, representatives, workers, contractors, and/or personnel with responsibilities to prevent underage individuals and/or pledges from being provided alcoholic beverages for consumption on the premises; by members of the Beta Delta Chapter of the Theta Chi Fraternity; and/or, at the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals;

- bbbbbbbb. Failed to properly train their/its their/its employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives and/or members staff, administrators, representatives, workers, contractors, and/or personnel with responsibilities to prevent underage individuals and/or pledges consuming and/or drinking alcoholic beverages on the premises; and/or, at the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals;
- cccccccc. Failed to properly train their/its their/its employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives and/or members staff, administrators, representatives, workers, contractors, and/or personnel with responsibilities to prevent hazing on the premises; during the Beta Delta Chapter of the Theta Chi Fraternity activities, events and/or rituals; and/or by members of the Beta Delta Chapter of the Theta Chi Fraternity
- dddddddd. Failed to properly train their/its their/its employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives and/or members staff, administrators, representatives, workers, contractors, and/or personnel with responsibilities to prevent underage individuals and/or pledges are not provided alcoholic beverages for consumption by the Beta Delta Chapter of the Theta Chi Fraternity; and,
- eeeeeeee. Failed to properly supervise their/its employees, officers, directors, alumni, members, officers, managers, employees, agents, apparent agents, servants, representatives and/or members staff, administrators, representatives, workers, contractors, and/or personnel.

372. As a direct result of the negligence, carelessness, and recklessness of the DEFENDANTS jointly and/or severally and/or vicariously as set forth above, DEFENDANTS jointly and/or severally and/or vicariously are liable for plaintiff's personal injuries and damages set forth above.

373. All of the foregoing averments are incorporated in the following Counts as though set forth therein at length.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally, and in the alternative, for compensatory damages, interests, costs of suit, reasonable attorney's fees, and such other relief this Court deems appropriate.

COUNT VII

PLAINTIFF, ARMAND RUNTE VS. DEFENDANTS, THETA CHI FRATERNITY INC., THE GRAND CHAPTER OF THETA CHI FRATERNITY INC., THE FOUNDATION CHAPTER OF THETA CHI FRATERNITY INC., THE NORWICH HOUSING CORPORATION, THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER, THETA CHI ALUMNI CORPORATION, ROY LEE, RYLAN CHEW, GAVIN ROBERTSON, MICHAEL SEBASTIAN, GAVEN FERRARO, MIKE LUONGO, BRANDON AUFIERO, MATTHEW BOHINSKI, JAMES HOLT, DANIEL EREBERG, CONSTANTINE SEDEREAS, HUNTER PETERSON, DREW UNGARTENAND JOHN DOES 1 TO 10, JANE DOES 1 TO 10, JOHN DOES INCORPORATED A TO Z, JOHN DOES PROFESSIONAL ASSOCIATIONS A TO Z, JOHN DOES PARTNERSHIP, I TO C AND JOHN DOES INSTITUTIONS, A TO Z, VARIOUS FICTITIOUS AND UNIDENTIFIED INDIVIDUALS, CORPORATIONS, PROFESSIONAL ASSOCIATIONS, PARTNERSHIPS AND INSTITUTIONS, INDIVIDUALLY, JOINTLY AND IN THE ALTERNATIVE

Civil Conspiracy (Cover Up)

374. Plaintiff fully incorporate herein by reference all averments set forth above as if fully set forth herein.

375. At all times relevant hereto, FRATERNITY DEFENDANTS engaged in a civil conspiracy following the subject incident in order to cover up and/or to conceal the subject incident that caused plaintiff personal injuries and damages.

376. At all times relevant hereto, FRATERNITY DEFENDANTS engaged in a civil conspiracy following the subject incident in order to cover up and/or to conceal the subject incident by, *inter alia*, means of destroying, spoiling and/or altering evidence that caused plaintiff personal injuries and damages.

377. At all times relevant hereto, FRATERNITY DEFENDANTS in combination of two or more caused the plaintiff to suffer injuries as a result of the civil conspiracy.

378. At all times relevant hereto, FRATERNITY DEFENDANTS acted in concert to commit unlawful acts, and lawful acts by unlawful means, to inflict wrongs and injuries on plaintiff.

379. At all times relevant hereto, FRATERNITY DEFENDANTS cohorts and confederates made overt acts in furtherance of a civil conspiracy against plaintiff.

380. At all times relevant hereto, FRATERNITY DEFENDANTS civil conspiracy cover-up committed against plaintiff was done with deliberate indifference, actual malice, and/or with a wanton and willful disregard of the persons who foreseeably might be harmed by FRATERNITY DEFENDANTS actions.

381. At all times relevant hereto, the acts committed by FRATERNITY DEFENDANTS occurred with actual malice and/or were done with reckless disregard for the truth, and or were done with a wanton and willful disregard of persons who foreseeably might be harmed by defendants' actions.

382. At all times relevant hereto, FRATERNITY DEFENDANTS failed to follow proper and lawful guidelines, policies, procedures, and methods for conducting the investigation of the subject incident and those that were/are responsible for causing damages to the plaintiff.

383. At all times relevant hereto, FRATERNITY DEFENDANTS have taken no remedial acts to redress plaintiff's injuries and claims, and FRATERNITY DEFENDANTS have not punished or disciplined or retrained or further trained in any meaningful way.

384. At all times relevant hereto, FRATERNITY DEFENDANTS has not taken any action to redress the harms done to plaintiff although FRATERNITY DEFENDANTS have knowledge of the events described in this Complaint, and they had/have the power, authority, and legal responsibility to take remedial action. All FRATERNITY DEFENDANTS through action and/or inaction have compounded the unlawful and tortious behavior that serves the basis of this cause of action.

385. At all times relevant hereto, FRATERNITY DEFENDANTS overt acts and the civil conspiracy proximately caused plaintiff to sustain damages.

386. At all times relevant hereto, FRATERNITY DEFENDANTS appropriate representatives failed to exercise the authority vested in them and/or negligently trained, negligently managed, and/or negligently supervised.

387. As a direct and proximate result/cause these actions/inactions, violations against the plaintiff in terms of the commission of a civil conspiracy occurred, and the plaintiff suffered severe personal injuries and damages as are indicated above.

388. As a direct result of the willful misconduct, active participation, willful indifference, and negligence on the part of FRATERNITY DEFENDANTS, plaintiff has suffered from emotional disturbance and emotional trauma and financial loss.

389. As a direct and proximate result of the intentional acts of FRATERNITY DEFENDANTS, as stated above, plaintiff was caused to be injured due to the aforesaid dangerous acts committed by FRATERNITY DEFENDANTS and was thus caused to sustain and did sustain personal mental and emotional injuries.

390. The fact that a civil conspiracy is alleged as a separate Count does not change the fact that FRATERNITY DEFENDANTS are also liable in other Counts for their unlawful attempt and completed acts in the commission of tortious conduct committed against plaintiff.

391. All of the foregoing averments are incorporated in the following Counts as though set forth therein at length.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally, and in the alternative, for compensatory damages; consequential damages, punitive damages; exemplary damages, plaintiff's unreimbursed costs and fees caused by civil litigation; pain and suffering incurred as an innocent party, emotional damages, physical damages, psychological damages, permanent injury damages, and loss of enjoyment, interests, costs of suit, reasonable attorney's fees, and such other relief this Court deems appropriate.

COUNT VIII

PLAINTIFF, ARMAND RUNTE VS. DEFENDANTS, THETA CHI FRATERNITY INC., THE GRAND CHAPTER OF THETA CHI FRATERNITY INC., THE FOUNDATION CHAPTER OF THETA CHI FRATERNITY INC., THE NORWICH HOUSING CORPORATION, THETA CHI ALUMNI ASSOCIATION A/K/A THETA CHI ALUMNI ASSOCIATION BETA DELTA CHAPTER, THETA CHI ALUMNI CORPORATION, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY INTERFRATERNITY COUNCIL, ROY LEE, RYLAN CHEW, GAVIN ROBERTSON, MICHAEL SEBASTIAN, GAVEN FERRARO, MIKE LUONGO, BRANDON AUFIERO, MATTHEW BOHINSKI, JAMES HOLT, DANIEL ERENBERG, CONSTANTINE SEDEREAS, HUNTER PETERSON, DREW UNGARTENAND JOHN DOES 1 TO 10, JANE DOES 1 TO 10, JOHN DOES INCORPORATED A TO Z, JOHN DOES PROFESSIONAL ASSOCIATIONS A TO Z, JOHN DOES PARTNERSHIP, I TO C AND JOHN DOES INSTITUTIONS, A TO Z, VARIOUS FICTITIOUS AND UNIDENTIFIED INDIVIDUALS, CORPORATIONS, PROFESSIONAL ASSOCIATIONS, PARTNERSHIPS AND INSTITUTIONS, INDIVIDUALLY, JOINTLY AND IN THE ALTERNATIVE

John Doe

392. Plaintiff fully incorporate herein by reference all averments set forth above as if fully set forth herein.

393. Plaintiff preys leave of Court to seasonably amend this Complaint and name the true identities of JOHN DOES 1 -100; JANE DOES 1-100; ABC CORPORATIONS 1-100; ABC PROFESSIONAL ASSOCIATIONS 1-100; ABC PARTNERSHIPS 1-100; AND XYZ INSTITUTIONS, 1-100, if and when their true identities and roles in the within matter are ascertained by plaintiffs.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally, and in the alternative, for compensatory damages, interests, costs of suit, reasonable attorney's fees, and such other relief this Court deems appropriate.

WAPNER NEWMAN

BY: /s/ Robert S. Miller, Esquire
ROBERT S. MILLER, ESQUIRE
ADAM S. GETSON, ESQUIRE
JARAD L. SILVERSTEIN, ESQUIRE
SIMON T. HAILEAB, ESQUIRE
Attorneys for Plaintiff

JURY DEMAND

Plaintiff demands a trial by jury as to all issues.

WAPNER NEWMAN

BY: */s/ Robert S. Miller, Esquire*

ROBERT S. MILLER, ESQUIRE

ADAM S. GETSON, ESQUIRE

JARAD L. SILVERSTEIN, ESQUIRE

SIMON T. HAILEAB, ESQUIRE

Attorneys for Plaintiff

CERTIFICATION OF NON-PENDENCY

Pursuant to Rule 4:5-1, the undersigned hereby certifies that to the best of the undersigned's knowledge, the above action is not the subject of any other lawsuit or arbitration proceeding, and that there are no other persons interested in the above action who have not been made a party to said action.

WAPNER NEWMAN

BY: /s/ Robert S. Miller, Esquire
ROBERT S. MILLER, ESQUIRE
ADAM S. GETSON, ESQUIRE
JARAD L. SILVERSTEIN, ESQUIRE
SIMON T. HAILEAB, ESQUIRE
Attorneys for Plaintiff

DEMAND FOR ANSWERS TO UNIFORM INTERROGATORIES

PLEASE TAKE NOTICE that pursuant to Rule 4:17-1(b)(ii)(2), Plaintiff hereby demands answers to **Uniform Interrogatories Form C and Form C(1)** within sixty (60) days of the filing of Defendants' Answer to this Complaint.

WAPNER NEWMAN

BY: */s/ Robert S. Miller, Esquire*

ROBERT S. MILLER, ESQUIRE

ADAM S. GETSON, ESQUIRE

JARAD L. SILVERSTEIN, ESQUIRE

SIMON T. HAILEAB, ESQUIRE

Attorneys for Plaintiff

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to R. 4:10-2(b), plaintiff requests discovery of the existence and contents of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of the judgment which may be entered in this action, or to indemnify or reimburse for payments made to satisfy said judgment.

WAPNER NEWMAN

BY: /s/ Robert S. Miller, Esquire
ROBERT S. MILLER, ESQUIRE
ADAM S. GETSON, ESQUIRE
JARAD L. SILVERSTEIN, ESQUIRE
SIMON T. HAILEAB, ESQUIRE
Attorneys for Plaintiff

NOTICE OF TRIAL COUNSEL

Pursuant to Rule 4:25 et. seq., please take notice that Robert S. Miller, Esquire, Adam S. Getson, Esquire, Jarad L. Silverstein, Esquire, Simon T. Haileab, Esquire are hereby designated as Trial Counsel in the above-captioned matter for the firm of Wapner Newman.

WAPNER NEWMAN

BY: /s/ Robert S. Miller, Esquire
ROBERT S. MILLER, ESQUIRE
ADAM S. GETSON, ESQUIRE
JARAD L. SILVERSTEIN, ESQUIRE
SIMON T. HAILEAB, ESQUIRE
Attorneys for Plaintiff

NOTICE OF AUDIO TAPING AND/OR VIDEOTAPING OF IME

Plaintiff hereby provides advanced notice of plaintiff's intention of audio taping and/or videotaping any IME scheduled by the defendants as part of this litigation.

WAPNER NEWMAN

BY: */s/ Robert S. Miller, Esquire*

ROBERT S. MILLER, ESQUIRE

ADAM S. GETSON, ESQUIRE

JARAD L. SILVERSTEIN, ESQUIRE

SIMON T. HAILEAB, ESQUIRE

Attorneys for Plaintiff

NOTICE TO ARGUE THE TIME UNIT RULE

Notice is hereby given that the plaintiff reserves the right to argue the Time Unit Rule as allowed by the Rules of Court.

WAPNER NEWMAN

BY: */s/ Robert S. Miller, Esquire*
ROBERT S. MILLER, ESQUIRE
ADAM S. GETSON, ESQUIRE
JARAD L. SILVERSTEIN, ESQUIRE
SIMON T. HAILEAB, ESQUIRE
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DEMAND FOR PLEADINGS/DISCOVERY

PLEASE TAKE NOTICE that pursuant to Rule 1:5-1(a); 4:17-2(b)(i) and 4:17-4(c), counsel for plaintiff hereby demands that each party herein provide any and all such pleadings and answered Interrogatories received from any party including any documents, papers and other materials referred herein, upon the undersigned Attorneys.

WAPNER NEWMAN

BY: /s/ Robert S. Miller, Esquire
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