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IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Civil Division

KEVIN E. CLARK  
c/o Freer & McGarry, P.C.  
1000 Thomas Jefferson St., N.W.  
Suite 600  
Washington, D.C. 20007,

Plaintiff,

v.

GALLAUDET UNIVERSITY  
800 Florida Avenue, N.E.  
Washington, D.C. 20002,

and

TERRY WILDING  
Head Resident Assistant  
Gallaudet University  
800 Florida Avenue, N.E.  
Washington, D.C. 20002,

and

DAVID MARTIN  
Head Resident Assistant  
Gallaudet University  
800 Florida Avenue, N.E.  
Washington, D.C. 20002,

and

JEFF SALIN  
Gallaudet University  
800 Florida Avenue, N.E.  
Washington, D.C. 20002,

and

MICHAEL YANCE  
Gallaudet University  
800 Florida Avenue, N.E.  
Washington, D.C. 20002,

and

FILED

FEB 9 1994

Superior Court  
of the District of Columbia  
Washington, D.C.

CA01314-91

Civil Action No. \_\_\_\_\_

JURY TRIAL DEMANDED

RECEIVED  
Civil Clerk's Office

Superior Court of the  
District of Columbia

CH 17

DAVID SNOW  
Gallaudet University  
800 Florida Avenue, N.E.  
Washington, D.C. 20002,

and

MARK TESSIER  
Kappa Gamma Fraternity  
Gallaudet University  
800 Florida Avenue, N.E.  
Washington, D.C. 20002,

and

JOHN CLEARY  
Kappa Gamma Fraternity  
Gallaudet University  
800 Florida Avenue, N.E.  
Washington, D.C. 20002,

and

TIM HILE  
Kappa Gamma Fraternity  
Gallaudet University  
800 Florida Avenue, N.E.  
Washington, D.C. 20002,

and

RICKY PERRY  
Kappa Gamma Fraternity  
Gallaudet University  
800 Florida Avenue, N.E.  
Washington, D.C. 20002,

and

KAPPA GAMMA FRATERNITY  
Gallaudet University  
800 Florida Avenue, N.E.  
Washington, D.C. 20002,

and

PHILIP W. BRAVIN )  
Chairman of the Board of Trustees )  
Gallaudet University )  
800 Florida Avenue, N.E. )  
Washington, D.C. 20002, )  
 )  
Defendants. )  
\_\_\_\_\_ )

**COMPLAINT FOR COMPENSATORY  
AND PUNITIVE DAMAGES**

**(Arising from Negligence, Assault, Negligent Supervision and  
Infliction of Emotional Distress)**

This Complaint seeks compensatory and punitive money damages, based upon the conduct of the defendant, during and after a university fraternity hazing incident. The hazing, which took place in a university facility provided for the use of the fraternity, was witnessed and participated in by university faculty and staff charged with enforcing its policies prohibiting the various activities which injured the plaintiff. As a result of the conduct of the defendants, the plaintiff has suffered permanent physical injury and pain as well as psychological injury.

**I. Jurisdiction**

1. The jurisdiction of this Court is invoked pursuant to D.C. Code Section §11-921 (1981 ed.).
2. Each of the causes of action asserted in this Complaint arose in the District of Columbia.

**II. Parties**

3. Plaintiff Kevin E. Clark is a resident of the State of Missouri. At all times relevant to the allegations set forth in this Complaint, Mr. Clark, who is hearing impaired, was a full-

time undergraduate student at Gallaudet University. He has since graduated from the University.

4. Defendant Gallaudet University (hereinafter "Gallaudet") is an non-profit corporation which operates an educational institution specializing in the needs of the hearing impaired located in the District of Columbia.

5. Defendants Terry Wilding, Head Resident Assistant; David Martin, Head Resident Assistant; Jeff Salin, Head Baseball Coach; Michael Yance, Intermural Programs Coordinator; and David Snow, Model Secondary School faculty (hereinafter the "Gallaudet Employee defendants") are alumni of Kappa Gamma Fraternity, and were, at all times relevant to the allegations set forth in this Complaint, employed by Gallaudet as either faculty or staff. Defendant Philip W. Bravin is Chairman of the University Board of Trustees.

6. Defendant Kappa Gamma Fraternity, was on February 14, 1993, and all times relevant to the allegations set forth in this Complaint, sanctioned by Gallaudet and authorized to use Gallaudet's premises including the basement of Krug Hall, a university men's dormitory, for fraternity purposes.

7. Defendants Mark Tessier, John Cleary, Tim Hile and Ricky Perry (hereinafter the "Fraternity Brother defendants") were, at all times relevant to the allegations set forth in this Complaint, the members of Kappa Gamma Fraternity, charged by the fraternity to conduct the hazing incident that is the subject of this litigation.

### III. STATEMENT OF FACTS

8. At all times relevant to this action, the defendant Gallaudet University has undertaken to provide for the physical safety of its students, faculty and staff while on campus. To this end, Gallaudet has provided rules of conduct and employed a campus police force and other emergency services.

9. At all times relevant to this action, Defendant Gallaudet University has maintained buildings on its campus which, pursuant to regulation, provide space to student groups to conduct their activities. Krug Hall, a residential dormitory, is one such building. Gallaudet makes provision for the security and safety of its students when occupying these buildings including Krug Hall.

10. The defendant Gallaudet University has been aware of the dangers to its students resulting from the practice of fraternity hazing. To that end, it has enacted a policy which prohibits hazing.

11. Prior to the hazing incident in the instant matter, the Defendant Gallaudet University was aware of the Defendant Kappa Gamma Fraternity's practices of abusive treatment of students and hazing of its own members. Specifically, Gallaudet suspended Kappa Gamma from participation on campus for hazing from approximately November 1991 to April 1992. Gallaudet again suspended Kappa Gamma in 1992 for racial harassment. Gallaudet also was aware that Kappa Gamma promoted a cult idolizing Adolph Hitler.

12. With full knowledge of the hazing practices of the defendant Kappa Gamma's and despite its determination to provide

for the safety of its students, on approximately February 14, 1993, the defendant Gallaudet University, by and through its agents and employees, including the Gallaudet Employee defendants, knowingly allowed and indeed assisted the defendant Kappa Gamma and the Fraternity Brother defendants to conduct a public hazing of the plaintiff and twelve other Kappa Gamma pledges in the common space provided for fraternity use in the basement of Krug Hall.

13. On approximately February 14, 1993, the defendant Kappa Gamma through its members and agents, the Fraternity Brother Defendants, instructed the plaintiff, a Kappa Gamma pledge, and approximately twelve (12) other pledges, all hearing impaired, to enter the "fraternity room," a confined and overheated location in the basement of Krug Hall.

14. To effect the hazing, the defendant Kappa Gamma and the Fraternity Brother defendants blind-folded and placed the plaintiff and the other pledges in front of a table in the fraternity room. The plaintiff and the other pledges were not free to leave the hazing incident. The Fraternity Brother defendants stood in front of them and the Gallaudet Employee defendants stood with a crowd of other individuals behind them, effectively blocking their exit. On information and belief, the plaintiff states that other members of the defendant Kappa Gamma Fraternity, including Brian A. Bippus and John P. Hencker, were present in the crowd.

15. In order to intimidate the plaintiff and the other pledges into submission, the Fraternity Brother defendants broke

the table in front of them causing the plaintiff to fear for his personal safety.

16. For the succeeding three hours, in these physically oppressive circumstances, the plaintiff and the other pledges were subjected to extreme verbal and physical abuse, taunts and harassment by the Fraternity Member defendants. The verbal abuse included curses, Nazi sloganeering and adulation of Adolph Hitler, and anti-gay remarks, such as "sucking fags."

17. The plaintiff and other pledges also were also physically abused during the hazing. The Fraternity Brother defendants forced them to stand-in-place for more than three (3) hours in an extremely hot and poorly ventilated room. The Fraternity Brother defendants forced them to perform Nazi salutes and utter adulation of Hitler. The Fraternity Brother defendants continuously blindfolded and unblindfolded the plaintiff and the other pledges. Being hearing impaired, when blindfolded, they were sensorially deprived. The crowd of witnesses standing behind the plaintiff and pledges, which included the Gallaudet Employee defendants caused extreme levels of noise and other sensory confusion. On several occasions, when the plaintiff's and pledges blindfolds were removed, the crowd, encouraged by the Fraternity Brother defendants, caused the plaintiff and the other pledges to become disoriented by reaching around them from behind and repeatedly waving hands in front of their line of vision.

18. As a result of the psychological and physical abuse caused by the defendants, the plaintiff and other pledges suffered

immediate physical harm. The plaintiff passed out and fell to the ground no fewer than three times. On the third occasion, the plaintiff's head struck the floor. He was severally injured and rendered unconscious. The plaintiff was left lying on the ground, unconscious, by the defendants.

19. The defendant Gallaudet University has a policy which forbids hazing. The defendant Kappa Gamma Fraternity and the Fraternity Brother defendants are required to comply with this policy. The conduct of the Fraternity Brother defendants during the hazing incident, was done at the direction, with the knowledge and approval and for the benefit of the defendant Kappa Gamma Fraternity. The conduct violated the defendant Gallaudet's policy which forbids hazing.

20. Despite their obligations based upon the defendant Gallaudet's undertaking to provide for the safety of its students, and under the hazing policy, the defendant Gallaudet University and the Gallaudet Employee defendants who witnessed the hazing did nothing to stop the hazing, knowingly allowing it to take place, and indeed supported, assisted, and participated in the hazing as members of the crowd.

21. As a result of the hazing, the Plaintiff collapsed three times and was finally rendered unconscious. The Gallaudet Employee defendants, who were obligated through their employment to provide for the plaintiff's safety and well being, allowed the plaintiff to remain unconscious, unassisted, and lying on the floor for a sustained period of time without medical attention. At no time did



any of the responsible Gallaudet Employee defendants or the Fraternity Brothers defendants seek emergency medical care or an ambulance to assist the defendant.

22. Long after the plaintiff was rendered unconscious, members of the defendant Kappa Gamma Fraternity dragged or carried him to one of their cars, placed him under a blanket, and drove him to Children's Hospital.

23. While leaving the Defendant Gallaudet University's campus, the members of the defendant Kappa Gamma Fraternity were stopped by a private policeman employed by the University who was suspicious of their conduct. In response to the policeman's inquiry as to what was under the blanket, the fraternity members, acting to conceal their wrongdoing and injury of plaintiff, lied to the policeman about the contents of the blanket. The police officer failed to act to determine that the injured plaintiff was under the blanket.

24. Upon taking the plaintiff to Children's Hospital and in all contacts with health-care providers seeking to treat the plaintiff, the members of the defendant Kappa Gamma Fraternity continued to risk further injury to the plaintiff in order to conceal their wrongdoing by lying about the nature and cause of his condition, claiming that he had passed out as a result of a basketball injury.

25. After being unconscious for approximately six (6) hours, Plaintiff was revived at the Washington Hospital Center. At this time, Plaintiff, was scared, in extreme pain, and mentally

distraught. The members of the defendant Kappa Gamma Fraternity had abandoned him. The hospital did not provide a sign language interpreter. He could only communicate with the doctors by writing notes on a pad. Thereby, the hospital doctors informed the plaintiff that because of the possibility of death resulting from his fall, they required that he submit to a spinal tap, which would be extremely painful. The thought of the spinal tap scared him.

26. As the plaintiff was experiencing severe headaches, the doctors performed a CAT scan of his head. Plaintiff suffered extreme stress as a result of the scan. He was required to lay in a physical confined tube like structure for a prolonged period of time. Being hearing impaired, he was unable to communicate during that time period.

27. On February 15, 1993, the plaintiff was required to return to a hospital for the spinal tap. In their continued effort to conceal their wrongdoing and injury to the plaintiff, the officers of the defendant Kappa Gamma Fraternity, did not allow a member to accompany him to obtain medical treatment. The plaintiff, now abandoned completely by the Kappa Gamma defendants, was forced to experience the anxiety of this traumatic test alone, again without the ability to communicate his distress to the health-care providers.

28. As a direct consequence of the conduct of each and every one of the defendants, the plaintiff has suffered permanent physical injury in the form of frequent and severe headaches, and

permanent psychological injury in the form of Post Traumatic Stress Disorder and other injuries.

Count I - Negligence by Gallaudet University

29. The plaintiff herein incorporates the allegations set forth in paragraph numbers 1-28 as though set forth fully herein.

30. The defendant Gallaudet University owed to the plaintiff as an invitee, a duty of care to protect him from dangerous conditions.

31. The defendant Gallaudet University owed the plaintiff the duty to use reasonable measures and due care to protect him by supervising dormitory activities, including student organization activities, which might degenerate into hazing.

32. The defendant Gallaudet University owed to the plaintiff the duty to use reasonable measures and due care to protect him against the dangerous acts of third parties, including the Kappa Gamma defendants and the Fraternity Brother defendants.

33. The defendant Gallaudet University owed to the plaintiff the duty to use reasonable measures and due care to protect him while on University property against dangerous acts by Gallaudet through the actions of its employees and agents, here the acts of the Gallaudet Employee defendants.

34. The defendant Gallaudet University owed to the plaintiff the duties set forth in paragraphs 30-32, based upon Gallaudet's obligation as a landowner and as a University; its provision of protection services to the plaintiff as one of its students such as campus police services and the adoption of a policy prohibiting

fraternity hazing; and its direct knowledge, participation, and involvement in the dangerous practices of its students. Defendant Bravin negligently failed to fulfill the duties he and the Board owed to the plaintiff when he and the Board knowingly allowed hazing activities to continue on campus.

35. The defendant Gallaudet University breached the duties of care which it owed to the plaintiff, set forth in paragraphs 30-32, by failing to prevent, intervene or stop the February 14, 1993, hazing incident.

36. As a direct result of the defendant Gallaudet University's breach of each and all of the several duties of care it owed to the plaintiff, set forth in paragraphs 30-32, the plaintiff suffered permanent physical injury in the form of frequent and severe headaches, and permanent psychological injury in the form of Post Traumatic Stress Disorder and other injuries including loss of economic opportunity.

37. The injury to the plaintiff was foreseeable to the defendant Gallaudet University because, the defendant had knowledge that hazing was dangerous, that the defendant Kappa Gamma and the Fraternity Brother defendants practiced hazing, and that the hazing incident was occurring through the presence, approval, and participation of Gallaudet's employees and agents, the Gallaudet Employee defendants, in the hazing.

38. The defendant Gallaudet's knowing failure to prevent, intervene or stop the February 14, 1993, hazing incident, conducted in the presence and with the approval and participation of its

employees and agent, constituted a conscious, willful, reckless, and malicious disregard for the rights of the plaintiff to be protected from a known risk.

Count II - Negligent Supervision by Gallaudet University

39. The plaintiff herein incorporates the allegations set forth in paragraph numbers 1-28 as though set forth fully herein.

40. The defendant Gallaudet University owed to the plaintiff the duty to use reasonable measures and due care to supervise the activities of its employees and agents, here the Gallaudet Employee defendants, to ensure that they would act to protect the plaintiff from violations of the University prohibition against hazing and the foreseeable harm, here physical and psychological injury, that could result from the failure to do so.

41. The defendant Gallaudet University breached this duty owed to the plaintiff to supervise the activities of its employees and agents by failing to use reasonable measures to ensure that the Gallaudet Employee defendants were knowledgeable of the University policy against hazing and Kappa Gamma's hazing practices; and would act to prevent, intervene or stop hazing and injury to the plaintiff rather than, to observe, support and/ participate in the hazing.

42. As a direct result of the defendant Gallaudet University's breach of its duty to the plaintiff, as set out in paragraph 40, to use reasonable measures and due care to supervise the activities of its employees and agents, here the Gallaudet Employee defendants, the plaintiff suffered permanent physical

injury in the form of frequent and severe headaches, and permanent psychological injury in the form of Post Traumatic Stress Disorder and including loss of economic opportunity and other injuries.

43. The injury to the plaintiff was foreseeable to the defendant Gallaudet University because, the defendant had knowledge that hazing was dangerous, that the defendant Kappa Gamma and the Fraternity Brother defendants practiced hazing, and that the University could best prevent hazing through the timely intervention by its properly supervised and instructed employees and agents, here the Gallaudet Employee defendants.

Count III - Negligence by the Gallaudet Employee Defendants

44. The plaintiff herein incorporates the allegations set forth in paragraph numbers 1-28 as though set forth fully herein.

45. Each and every one of the Gallaudet Employee defendants owed to the plaintiff the duty to conduct themselves in a manner which would not injure him.

46. Each and every one of the Gallaudet Employees defendants breached their duty by participating in the hazing incident by the jeering and hand waiving and by aiding and abetting the defendant Kappa Gamma Fraternity and Fraternity Brother defendants in their hazing of the plaintiff by contributing to the restraint of the liberty of the plaintiff and the pledges.

47. As a direct result of each and every one of the Gallaudet Employee defendant's breach of their duty to the plaintiff, as set forth in paragraphs 1-28, the plaintiff suffered permanent physical injury in the form of frequent and severe headaches, permanent

psychological injury in the form of Post Traumatic Stress Disorder and including loss of economic opportunity and other injuries.

48. The injury to the plaintiff was foreseeable to each and every one of the Gallaudet Employee defendants, as they had knowledge that hazing was dangerous and, during the hazing, they observed and participated in repeated injury to the plaintiff and other pledges for a period of three hours until the plaintiff could not be revived from a state of unconsciousness.

Count IV - Negligence by Kappa Gamma Fraternity

49. The plaintiff herein incorporates the allegations set forth in paragraph numbers 1-28 as though set forth fully herein.

50. The defendant Kappa Gamma Fraternity owed to the plaintiff a duty to use reasonable measures and due care to ensure that it conducted its pledging practices so that they did not cause the plaintiff either physical or psychological injury.

51. The defendant Kappa Gamma Fraternity breached its duty to the plaintiff on February 14, 1993, when, through its agents and members, the Fraternity Brother defendants, it conducted the hazing which resulted in the plaintiff's collapse and injury.

52. As a direct result of the defendant Kappa Gamma Fraternity's breach of its duty to the plaintiff, as set forth in paragraph 46 to use reasonable measures and due care to ensure that it conducted its pledging practices so that they did not cause the plaintiff either physical or psychological injury, the plaintiff suffered injury in the form of frequent and severe headaches, and permanent psychological injury in the form of Post Traumatic Stress



Disorder and including loss of economic opportunity and other injuries.

53. The injuries to the plaintiff were foreseeable to the defendant Kappa Gamma Fraternity. It had previously been disciplined by Gallaudet University for hazing. Its members and agents, including the Fraternity Brother defendants, had previously experienced the risks of hazing. Further, during the hazing, the plaintiff and other pledges had repeatedly collapsed from the rigors of the hazing.

54. The defendant Kappa Gamma Fraternity's insistence upon conducting the February 14, 1993, hazing of the plaintiff and the other pledges constituted a conscious, deliberate, willful, reckless, and malicious disregard for the rights of the plaintiff to be protected from a known risk.

Count V - Negligent Supervision by Kappa Gamma Fraternity

55. The plaintiff herein incorporates the allegations set forth in paragraph numbers 1-28 as though set forth fully herein.

56. The defendant Kappa Gamma Fraternity owed to the plaintiff the duty to use reasonable measures and due care to supervise and instruct its members and agents, here the Fraternity Brother defendants, to ensure that they would act to protect the plaintiff from physical injury and psychological injury resulting from its pledging practices and specifically, that they would not engage in hazing.

57. The defendant Kappa Gamma Fraternity breached the duty it owed to the plaintiff to supervise the activities of its members



and agents by failing to instruct the Fraternity Brother defendants not to conduct the February 14, 1993 hazing incident; and/or failing to supervise the activities of the Fraternity Brother defendants so as to ensure that they would not conduct the hazing.

58. As a direct result of the defendant Kappa Gamma Fraternity's breach of its duty to the plaintiff, as set out in paragraphs 1-28, to use reasonable measures and due care to supervise the activities of its members and agents, here the Fraternity Brother defendants, the plaintiff suffered permanent physical injury in the form of frequent and severe headaches, permanent psychological injury in the form of Post Traumatic Stress Disorder and other injuries.

59. The injury to the plaintiff was foreseeable to the defendant Kappa Gamma Fraternity because, the defendant had knowledge that hazing was dangerous, that the defendant Kappa Gamma and the Fraternity Brother defendants had previously been sanctioned by Gallaudet for hazing and yet continued the practice, and that Kappa Gamma could best prevent the hazing through the proper instruction and supervision of its members and agents, here the Fraternity Brother defendants and the other members present in the crowd that witnessed, supported and participated in the February 14, 1993 hazing.

60. The defendant Kappa Gamma Fraternity's failed to instruct its members and employees and failed to supervise its members and agents in a manner which would prevent them from conducting the February 14, 1993 hazing of the plaintiff and the other pledges.

Indeed, Kappa Gamma's encouraged and instructed its members to conduct the hazing. Kappa Gamma's conduct as described herein, constituted a conscious, deliberate, willful, reckless, and malicious disregard for the rights of the plaintiff to be protected from a known risk.

**Count VI - Negligence by the Kappa Gamma Fraternity Brothers**

61. The plaintiff herein incorporates the allegations set forth in paragraph numbers 1-28 as though set forth fully herein.

62. Each of the Kappa Gamma Fraternity defendants owed to the plaintiff a duty to use reasonable measures and due care to ensure that they conducted their pledging practices so that they did not cause the plaintiff either physical or psychological injury.

63. Each of the Fraternity Brother defendants breached their duty to the plaintiff on February 14, 1993, when, they conducted the hazing and used threatening language and actions to deny the plaintiff and the other pledges liberty, restricted the plaintiff and the other pledges to an overheated poorly ventilated space, subjected the plaintiff and the other pledges to physical abuse and psychological abuse and torture, jeopardized the plaintiff's and other pledges' health and safety by not attending to their symptoms of medical injury including fatigue, collapse, and unconsciousness, and further jeopardized the plaintiff's health by giving false and misleading background information to the medical health-care providers who treated him.

64. As a direct result of the Fraternity Brother defendants breach of their duty to the plaintiff, as set out in paragraph 63

to use reasonable measures and due care to ensure that it conducted its pledging practices so that they did not cause the plaintiff either physical or psychological injury, the plaintiff suffered injury in the form of frequent and severe headaches, permanent psychological injury in the form of Post Traumatic Stress Disorder and including loss of economic opportunity and other injuries.

65. The injuries to the plaintiff were foreseeable to each of the Fraternity Brother defendants. Their fraternity had been disciplined by Gallaudet University for hazing. They had previously experienced the risks of hazing. Further, during the hazing, the plaintiff and other pledges had repeatedly collapsed from the rigors of the hazing.

66. The Fraternity Brother's insistence upon conducting the February 14, 1993, hazing of the plaintiff and the other pledges constituted a conscious, deliberate, willful, reckless, and malicious disregard for the rights of the plaintiff to be protected from a known risk.

Count VII - Intentional Infliction of Emotional Distress by All Defendants

67. The plaintiff herein incorporates the allegations set forth in paragraph numbers 1-28 as though set forth fully herein.

68. Each of the defendants, either directly or through their employees or agents, either knowingly witnessed, directly participated in or through their actions or omissions permitted or condoned the February 14, 1993 hazing incident. The physical and verbal abuse that comprised that incident is such that would naturally humiliate, embarrass and outrage a person.

69. Said conduct was wilful, wanton and purposefully directed toward the plaintiff with the intent that he would be seriously harmed by it.

70. As a direct result of said conduct, plaintiff has suffered and continues to suffer extreme and severe mental and psychological upset and distress for which Defendant Gallaudet, the Gallaudet employee defendants, Defendant Kappa Gamma Fraternity and the Fraternity Brother defendants are liable.

Count VIII - Assault and Battery by All Defendants

71. The plaintiff herein incorporates the allegations set forth in paragraph numbers 1-28 as though set forth fully herein.

72. During the February 14, 1993 hazing incident, Gallaudet, the Gallaudet Employee defendants, defendant Kappa Gamma Fraternity and the Fraternity Brother Defendants did repeatedly, intentionally, maliciously and without plaintiff's consent or approval threaten the plaintiff with unspecified harm to his person. As a direct result of said threats, the plaintiff was placed in fear of unwanted physical contact with the Gallaudet Employee defendants, defendant Kappa Gamma Fraternity and/or the Fraternity Brother Defendants.

73. During the February 14, 1993 hazing incident, Gallaudet, the Gallaudet Employee defendants, defendant Kappa Gamma Fraternity and the Fraternity Brother Defendants did repeatedly, intentionally, maliciously, and without the plaintiff's consent or approval create a reasonable apprehension of offensive or harmful

physical contact by the Gallaudet Employee defendants, defendant Kappa Gamma Fraternity and/or the Fraternity Brother defendants.

74. During the February 14, 1993 hazing incident, Gallaudet, the Gallaudet Employee defendants, defendant Kappa Gamma Fraternity and the Fraternity Brother Defendants repeatedly, intentionally, maliciously, and without the plaintiff's consent or approval cause him to suffer unwanted, offensive and harmful touching. Said conduct constitutes unlawful assault and battery under the law of the District of Columbia.

75. The conduct of the Gallaudet, the Gallaudet Employee defendants, defendant Kappa Gamma Fraternity and the Fraternity Brother defendants set forth in paragraphs 72-74 of this Complaint has embarrassed, humiliated and tormented the plaintiff and has caused him to suffer severe emotional and physical harm for which Gallaudet, the Gallaudet Employee defendants, defendant Kappa Gamma fraternity and the Fraternity Brother defendants are liable.

Count IX - Prayer For Relief

Wherefore, Plaintiff demands judgment against defendants and respectfully prays that this case be tried by jury and that all necessary and appropriate relief as the Court may find to be just and proper be awarded, including:

1. For Damages under Count I:  
\$1,000,000.00 in Compensatory Damages and  
\$1,000,000.00 in Punitive Damages.

2. For Damages under Count II:  
\$1,000,000.00 in Compensatory Damages and  
\$1,000,000.00 in Punitive Damages.
3. For Damages under Count III:  
\$1,000,000.00 in Compensatory Damages and  
\$1,000,000.00 in Punitive Damages.
4. For Damages under Count IV:  
\$1,000,000.00 in Compensatory Damages and  
\$1,000,000.00 in Punitive Damages.
5. For Damages under Count V:  
\$1,000,000.00 in Compensatory Damages and  
\$1,000,000.00 in Punitive Damages.
6. For Damages under Count VI:  
\$1,000,000.00 in Compensatory Damages and  
\$1,000,000.00 in Punitive Damages.
7. For Damages under Count VII:  
\$1,000,000.00 in Compensatory Damages and  
\$1,000,000.00 in Punitive Damages.
8. For Damages under Count VIII:  
\$1,000,000.00 in Compensatory Damages and  
\$1,000,000.00 in Punitive Damages.

9. For attorneys' fees, costs and such other relief as the Court may deem reasonable and proper.

Respectfully Submitted,



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February 9<sup>th</sup> 1994