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14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 JEFFREY L. HENDERSHOT, an individual  
17 residing in Florida,

18 Plaintiff,

19 vs.

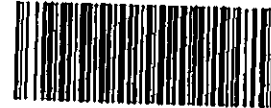
20 ALPHA GAMMA DELTA FRATERNITY, a  
21 New York corporation, and DOES 1 through 100,  
22 inclusive,

23 Defendants.

Case No. **A09-591601-C**  
Dept. : **XXI**

**COMPLAINT**

**A-09-591601-C**  
**141256**



24 Plaintiff **JEFFREY L. HENDERSHOT**, by and through his attorneys, Weide & Miller,  
25 Ltd., commences a civil action by filing the following complaint against Defendant **ALPHA**  
26 **GAMMA DELTA FRATERNITY**.

27 **PARTIES**

- 28 1. Plaintiff Jeffrey L. Hendershot ("Plaintiff") is an individual residing in the State of Florida.
- 29 2. Upon information and belief, Defendant Alpha Gamma Delta Fraternity ("AGD" or "Defendant") is a non-profit corporation organized under the laws of the State of New York and qualified to do business in the State of Indiana with its principal headquarters located at 8701 Founders Road, Indianapolis, IN 46268. AGD has chapters located at many colleges and

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1 universities nationwide, including a chapter at the University of Nevada Las Vegas (the "UNLV  
2 AGD Chapter").

3 3. The true names and capacities of the defendants named herein as DOES 1  
4 through 100 are other parties or entities who are not currently known to Plaintiff which are  
5 liable to Plaintiff for the damages complained of herein. Therefore Plaintiff sues said  
6 defendants, whether individuals, corporations, or another type of entity by these fictitious  
7 names. Plaintiff will seek leave of this court to amend its complaint to include the actual names  
8 of said defendants when their identities are determined during the course of this litigation.  
9 Plaintiff incorporate by reference herein all paragraphs of this complaint against said unknown  
10 defendants.

### 11 FACTUAL BACKGROUND

12 4. Plaintiff is the owner of a 1969 Chevy Corvette L-88 Automatic Roadster (the  
13 "Car").

14 5. The Car is not just any ordinary classic Corvette, but rather is one of only  
15 seventeen L-88 automatic Corvettes that were ever produced.

16 6. When the Car was discovered in the original owner's garage in 1987, the body,  
17 frame, interior and original transmission were still intact. The Car was carefully and  
18 meticulously restored to its original factory condition, which makes the Car highly collectible in  
19 nature.

20 7. The Car was showcased in the Bloomington Gold "Special Collection" Corvette  
21 Car Show and received a certificate from Bloomington Gold recognizing the Car as one of the  
22 few Corvettes in the U.S. to be selected as part of its "Special Collection" of rare, unusual, and  
23 historic Corvettes. Attached as Exhibit 1 is a letter describing the show and a copy of the  
24 certificate.

25 8. In connection with the "Special Collection" Corvette Car Show, Bloomington  
26 Gold published a booklet entitled "the Special Collection V" featuring 41 exhibited classic  
27 Corvettes, including the Car (described on page 28 of the Booklet, a copy of which is attached  
28 hereto as Exhibit 2).

1           9.     At the time of events at issue in this Complaint, the value of the Car was  
2 approximately \$300,000 to \$500,000.

3           10.    On or about October 2006, the UNLV AGD Chapter decided to build a float (the  
4 "Float") for that year's Homecoming Celebration at UNLV.

5           11.    Plaintiff's daughter, Nicole Hendershot, was a member of the UNLV AGD  
6 Chapter at the time of the events.

7           12.    The UNLV AGD Chapter chose to build Float at 7587 Slipstream Street, Las  
8 Vegas, Nevada 89139 (the "House").

9           13.    The owner of the House is Kathy Mason – Nicole Hendershot's mother and  
10 Plaintiff's spouse. Ms. Mason gave permission to the UNLV AGD Chapter to build the Float at  
11 the House.

12          14.    Nicole Hendershot and Jack Bonner, a relative of Kathy Mason, were residing at  
13 the House at the time of the events discussed herein.

14          15.    The members of the UNLV AGD Chapter (the "AGD Members") used the  
15 House to construct the Float for a period of three weeks. Nicole Hendershot worked during the  
16 evenings and did not participate in the construction of the Float, nor was she present to  
17 experience any of the events described herein.

18          16.    Each day during construction of the Float, high levels of noise would usually  
19 start after 8:00 p.m. with drilling, power sawing and hammering continuing well past midnight,  
20 or until the police arrived.

21          17.    During those three weeks, Mr. Bonner, who worked during the day and typically  
22 returned to the House between 5:30 and 6:00 p.m., received daily complaints from the neighbors  
23 both in the morning on his way to work and in the evening while returning home from work.

24          18.    When Mr. Bonner would come home from work, he often witnessed more than  
25 30 people in the driveway at a time, in the house (downstairs and upstairs), or in the backyard.

26          19.    The noise made by the AGD Members was so noisy that the police were called  
27 out by the neighbors on several occasions. The local association even sent a cease and desist  
28 letter to the House regarding the noise.

1           20.     The AGD Members working on the Float at the House left garbage strewn about  
2 the house, driveway, and yard every morning. The members also spilled paint all over the  
3 interior of the garage, driveway, sidewalks, patio, and front porch. The members also spilled  
4 paint on the kitchen sink, granite countertops and kitchen cabinets as well as from the slate tile  
5 floor with a trail leading from the garage all the way into the kitchen.

6           21.     Plaintiff's Car was parked in the garage of the House during the time that the  
7 AGD Members were working on the Float at the House. Plaintiff's Car was covered by a car  
8 cover at the time of the events.

9           22.     Upon information and belief, the AGD Members, while building the Float,  
10 stacked piles of wood and other building materials on the covered hood of the Car causing  
11 noticeable scratches and dents.

12           23.     Upon information and belief, the AGD Members, while building the Float,  
13 spilled paint on parts of the Car, including the wheels and the rims, when paint which was  
14 spilled by the AGD members on the canvas cover dripped down the cover onto the exposed  
15 parts of the Car.

16           24.     Upon information and belief, the AGD Members, while building the Float,  
17 brought a barbecue grill onto the driveway and proceeded to call other members to come over  
18 for a party and started cooking. When the police arrived, the AGD Members wheeled the still lit  
19 and smoking grill into the garage, closed the garage door, then left for the night – the smoke and  
20 fumes from the still lit and smoking grill not only filled the garage, but also reached the kitchen,  
21 laundry room, living room and even the upstairs of the House.

22           25.     The AGD Members, by stacking wood and other building materials directly on  
23 the Car while they were building the Float, caused noticeable scratches and dents to the Car.

24           26.     The AGD Members, by spilling paint on the Car, caused paint to be spilled onto  
25 the parts o the Car that were not covered by the canvas cover, specifically, the wheels and rims.

26           27.     Pictures of the Car showing the damage to caused by the AGD Members while  
27 building the Float were taken soonafter the events in question (copies of which are attached  
28 hereto as Exhibit 3).



1           34. On or about December 2006, Plaintiff contacted a representative of AGD  
2 regarding the damages caused by the AGD Members. Plaintiff was told by this representative  
3 that AGD would pay for the damage to the Car and to submit an estimated costs for the repairs  
4 to the Car.

5           35. On or about May 2007, Plaintiff had the Car transported to Corvette Mike to  
6 obtain an estimate for the repairs. Corvette Mike quoted a repair cost of \$21,896.43 A copy of  
7 this estimate is attached hereto as Exhibit 5).

8           36. When Plaintiff contacted AGD again after receiving the estimate, the individual  
9 whom Plaintiff had spoken with in December 2006 was no longer working for AGD. Instead,  
10 Plaintiff spoke to a different representative of AGD.

11           37. When Plaintiff described the damage to the Car caused by the AGD Member and  
12 presented the Corvette Mike estimate, the AGD representative informed Plaintiff that AGD  
13 would not pay for the damage.

14           38. In June 2008, Plaintiff hired the services of an attorney to assist him with this  
15 dispute. Plaintiff's counsel contacted Ms. Penny Edmondson regarding Plaintiff's claim. Ms.  
16 Edmonson asked Plaintiff's counsel to provide a more detailed account of Plaintiff's claim.

17           39. Due to Plaintiff's busy schedule, the follow-up letter to AGD by Plaintiff's  
18 counsel was not sent to AGD until November 17, 2008.

19           40. Plaintiff's counsel was contacted by Ms. Donna Garrett with CNA Insurance on  
20 December 4, 2008, to discuss the letter. Ms. Garrett asked for some additional information as  
21 part of her investigation of Plaintiff's claims.

22           41. After a delay due to Plaintiff's busy schedule and the holidays, Plaintiff's counsel  
23 wrote an e-mail to Ms. Garratt on February 5, 2009, providing Ms. Garrett with the information  
24 she requested. There was no response from Ms. Garrett.

25           42. After several phone calls and follow-up e-mails by Plaintiff's counsel, Ms.  
26 Garrett finally contacted Plaintiff's counsel on February 28, 2009, to ask for contact information  
27 or affidavits of witnesses who can confirm that the Car had been driven and was in working  
28 condition.





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WHEREFORE Plaintiff requests the entry of judgment in his favor and against Defendant as follows:

- A. For damages in excess of \$10,000;
- B. For interest at the maximum rate allowed by law;
- C. For reasonable costs and attorneys' fees; and
- D. For such other and further relief as the court deems just and proper.

DATED this 2<sup>nd</sup> day of June, 2009.

Respectfully Submitted,

WEIDE & MILLER, LTD.

*Ryan Gile*

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 Ryan Gile, Esq.  
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 Las Vegas, NV 89128  
 Attorneys for Plaintiff