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11 WENDY ABELE

12  
13 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF**  
14 **NEVADA IN AND FOR THE COUNTY OF WASHOE**

15 JOHN C. ABELE and WENDY ABELE, Case No.:

16 Plaintiffs,

17 vs.

18 DELTA XI CHAPTER OF SIGMA NU  
19 FRATERNITY, SIGMA NU HOUSING  
20 AUTHORITY, a Nevada corporation,  
21 ERIC MEDINA aka ERIC SANTIAGO  
22 MEDINA RODRIGUEZ, KARSTEN  
23 CHUNG, JOEL KAUFMANN, JOSEPH  
24 DAYTON, KYLE SHARP, KYLE  
25 BRYCE, and DOES 1 through 50,  
26 inclusive,

27 Defendants. /

28 **COMPLAINT FOR DAMAGES**

COME NOW Plaintiffs, JOHN C. ABELE and WENDY ABELE, and allege against  
Defendants, and each of them, as follows:

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1 7. Plaintiffs are informed and believe, and thereupon allege, that Defendants JOSEPH  
2 DAYTON, and DOES 13 and 14, inclusive, (hereinafter "DAYTON") were, at all times  
3 mentioned herein, over the age of 21, active members of Defendants SIGMA NU, and were the  
4 "Risk Manager" or "Risk Reduction Chairman" of said Defendant organizations.

5 8. Plaintiffs are informed and believe, and thereupon allege, that Defendants KYLE SHARP,  
6 and DOES 15 and 16, inclusive, (hereinafter collectively "SHARP") were, at all times mentioned  
7 herein, over the age of 18, active members of Defendants SIGMA NU, and were the "New  
8 Member Educator" and "Marshall" of said Defendant organizations.

9 9. Plaintiffs are informed and believe, and thereupon allege, that in September 2015  
10 Defendant SIGMA NU hosted a party, called "Sigma Zoo" at the property owned by Defendant  
11 HOUSING AUTHORITY at which alcoholic beverages were provided to underage persons,  
12 many of whom became intoxicated, as a result of which Defendant SIGMA NU was found to  
13 have violated the University's Student Code of Conduct, and the following sanctions, *inter alia*,  
14 were imposed:

- 15 a. Defendant SIGMA NU was placed on probation until the end of the Spring 2016  
16 Semester;
- 17 b. An educational alcohol seminar approved by the Office of Student Conduct was to be  
18 presented and a minimum of 80% of the chapter members were required to attend;
- 19 c. Defendant SIGMA NU was required to create a set of comprehensive Risk  
20 Management Policies for the chapter which was mandated to have been completed by  
21 the end of the semester; and
- 22 d. Defendant SIGMA NU was prohibited from recruiting and/or accepting new members  
23 during the Spring 2016 Semester.

24 10. Plaintiffs are further informed and believe, and thereupon allege, that SHARP, acting in  
25 his official capacities as New Member Educator and Marshall for SIGMA NU was in charge of  
26 and principally responsible the fall 2016 new member pledge process, and the author of the  
27 pledge manual, entitled "Sigma Nu Fraternity Delta Xi Chapter Candidate Program" which was  
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1 provided to RYAN ABELE and all other members of pledge class, and in which he negligently  
2 misrepresented to the members of the pledge class, including RYAN ABELE, that:

3  
4 A. The basic expectations of membership in the fraternity included the following:

5 1. I will respect the dignity of all persons; therefore, I will not physically,  
6 psychologically or sexually abuse or haze any human being.

7  *I agree that all of my actions will abide by the hazing code and will  
8 attend at least 1 session during my candidate semester with this Risk Reduction  
9 chair and Eminent Commander to examine and discuss the code.*

10 2. I will protect the health and safety of all human beings.

11  *I will not partake in or condone any actions that would endanger  
12 freshman through the senior members of this fraternity, other fraternity members,  
13 the student body at the University of Nevada, Reno, and the rest of the general  
14 public.*

15 3. I will neither misuse nor support the misuse of alcohol.

16 4. I will challenge my members to abide by these fraternal expectations and  
17 confront those who violate them.

18  *I will support this document and will confront members who do not.*

19  *My decisions will be based on honor, not past precedent*

20 11. Plaintiffs are further informed and believe, and thereupon allege that SHARP further  
21 negligently represented to RYAN ABELE and the other members of the pledge class that "The  
22 Fall 2016 Candidate Expectations" included the following:

23 **"Alcohol**

24 Sigma Nu will neither use nor support the use of illegal drugs. Sigma Nu fraternity  
25 will neither misuse nor support the misuse of alcohol. As a Candidate of Delta Xi  
26 Chapter of Sigma Nu Fraternity you will have a "dry" candidate program. The  
27 candidate process will not benefit from alcohol misuse and therefore it has no place in  
28 our chapter"

12. Plaintiffs are informed and believe, and thereupon allege, that at the time SHARP  
authored, and SIGMA NU published and distributed the "Sigma Nu Fraternity Delta Xi Chapter  
Candidate Program," SHARP, MEDINA, CHUNG, KAUFMANN, and DAYTON each knew  
that the statements therein were false, and that they, and SIGMA NU knew that hazing, including  
the abuse of alcohol, which endangered the health and safety of the pledge class members were  
integral parts of the pledge process they designed and implemented, and that contrary to the

1 Program's representations, their decisions in that respect were not based upon honor, but upon  
2 past precedent, and they negligently failed to disclose this to RYAN ABELE and the other  
3 members of the Fall 2016 Pledge Class.

4 13. Plaintiffs are informed and believe, and upon that basis allege that Defendants KYLE  
5 BRYCE and DOES 17 and 18 (hereinafter collectively "BRYCE") were, at all times herein  
6 mentioned Chapter Advisors to Defendants SIGMA NU FRATERNITY. Plaintiffs are further  
7 informed and believe, and thereupon allege, that among the duties of the Chapter Advisor is to  
8 participate in the planning of all new member and chapter activities, attend the formal pledging  
9 and initiation ceremonies of the chapter, to advise and remind the members about the importance  
10 of responsibility, to hold the chapter to high standards, to help the chapter to develop high  
11 standards and advise the officers on holding everyone accountable, and by doing so, gauge the  
12 impact of any potential disaster and determine what intervention is not only desirable, but  
13 necessary.

14 14. Plaintiffs are further informed and believe, and thereupon allege, that Defendants BRYCE  
15 were, as Chapter Advisors, required to read and review the "Risk Reduction Policy and  
16 Guidelines of Sigma Nu Fraternity, Inc." with Defendants CHUNG and to certify in writing  
17 having done so, and to further certify in writing their endorsement the policy's concepts and to  
18 pledge their support to assist the Chapter to reduce risks among its members and guests.

19 15. Plaintiffs are informed and believe that, at all times herein mentioned, Defendants  
20 BRYCE, as the Chapter Advisor for defendant SIGMA NU, knew of the September 2015 party,  
21 and the sanctions imposed by the University, and failed to advise or assist the chapter members to  
22 comply with appropriate risk management policies including, but not limited to, a prohibition  
23 upon the provision of alcoholic beverages to underage persons, including chapter pledges and  
24 members, and failed to visit and inspect the fraternity house to confirm and determine compliance  
25 with such risk management policies, failed to confirm and determine compliance with the "Sigma  
26 Nu Fraternity Delta Xi Chapter Candidate Program," failed to participate in the planning of all  
27 new member and chapter activities, failed to attend the formal pledging and initiation ceremonies  
28 of the chapter, failed to advise and remind the members about the importance of responsibility,

1 failed to hold the chapter to high standards, failed to help the chapter to develop high standards  
2 and failed to advise the officers on holding everyone accountable, and by doing so, gauge the  
3 impact of any potential disaster and determine what intervention was not only desirable, but  
4 necessary.

5 16. All those Defendants above named, save and except Defendants SIGMA NU and  
6 HOUSING AUTHORITY, are hereinafter sometimes referred to collectively as the  
7 "INDIVIDUAL DEFENDANTS."

8 17. Plaintiffs are ignorant of the true names and capacities of those defendants sued herein as  
9 DOES 1 through 50, inclusive, and therefore sue these defendants by such fictitious names.  
10 Plaintiffs will amend this Complaint to allege their true names and capacities when the same have  
11 been ascertained. Plaintiffs are informed and believe, and thereupon allege, that each of the  
12 fictitiously named defendants is negligently responsible in some manner for the occurrences  
13 herein alleged, and Plaintiffs' injuries and damages, as herein alleged, were proximately caused  
14 by said defendants' negligence.

15 18. Plaintiffs are informed and believe, and thereupon allege, that at all times mentioned  
16 herein Defendants, and each of them, were acting as the agents, servants, and employees of their  
17 co-defendants, and each of them, and at all times mentioned herein were acting within the course  
18 and scope of that agency, service, and employment.

19 19. On or about October 15, 2016, Plaintiffs' son, RYAN ABELE, was eighteen (18) years of  
20 age, and a member of the pledge class of Defendants SIGMA NU, was attended a ceremony along  
21 with other members of the pledge class as part of the ongoing process by which they were  
22 ultimately to be inducted into SIGMA NU as active members of the Fraternity.

23 20. Part of the SIGMA NU ceremony involved a secret proceeding during which pledges were  
24 first blindfolded. After being led, blindfolded, into the darkened basement of SIGMA NU  
25 fraternity house, their blindfolds were then removed by a specific active member of the fraternity  
26 who had been designated as the new member's "Big Brother" during what was known as the  
27 "Reveal." Plaintiffs are informed and believe that SIGMA NU's active members had organized  
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1 themselves into “families” each of which had chosen a specific brand and type of alcoholic drink.  
2 Many of the SIGMA NU “families” were named after a specific brand of liquor.

3 21. In conformity with the ritual, RYAN ABELE participated in the ceremony described in  
4 paragraphs 19 and 20, above, at which time Defendant MEDINA was revealed as his Big Brother,  
5 and at which RYAN was informed that he had been assigned to the “No Limit Captains” family.

6 22. Plaintiffs are informed and believe, and thereupon allege, that the alcoholic drink  
7 previously chosen by the No Limit Captains as their identifying beverage was 100 proof Captain  
8 Morgan rum.

9 23. Plaintiffs are informed and believe, and thereupon allege that, following the Reveal, the  
10 hazing, which had been a part of the pledge process throughout, continued when RYAN ABELE  
11 and MEDINA went to the room in the SIGMA NU fraternity house occupied by CHUNG, who  
12 was also a member of the No Limit Captains family, and who was present, at which time and  
13 place MEDINA handed RYAN ABELE a full 750 milliliter bottle of 100 proof Captain Morgan  
14 rum, pointed to a location on the bottle indicating a full one third (1/3) of the contents, and  
15 instructed RYAN to “Drink to here, before you leave this room.”

16 24. Plaintiffs are informed and believe, and thereupon allege, that their son did as he was  
17 instructed during this part of the hazing ritual, and drank approximately 250 milliliters of the  
18 bottle before leaving the room and participating in some of the remaining events of the ceremony  
19 that evening, and into the following morning.

20 25. RYAN ABELE became highly intoxicated as a direct result of his ingestion of the alcohol  
21 he was ordered to consume as part of Individual Defendants’ hazing ritual and induction into  
22 SIGMA NU.

23 26. On the morning of October 16, 2016, in a continuation of the prior evening’s hazing,  
24 RYAN ABELE was awakened at approximately 5:45 a.m., and while still highly intoxicated was  
25 ordered by one or more members of SIGMA NU to the top of the unlighted staircase leading to  
26 the, equally unlighted, basement, where the prior evening’s “Reveal” ceremony had occurred.  
27 Plaintiffs are informed and believe and thereupon allege that RYAN ABELE, along with the other  
28 new members, was ordered to go to the basement of the fraternity house to clean up from the

1 previous evening's festivities as a continuing part of their induction proceedings. While paused at  
2 the top of the dark stairs, RYAN ABELE was ordered to "get the fuck downstairs," and as he  
3 began to follow orders RYAN ABELE, fell down the dark stairs where he struck his head on a  
4 concrete wall at the bottom of the stair landing, and lay there unconscious. At the time of his  
5 admission to the hospital at 7:00 a.m. RYAN ABELE'S blood alcohol level was determined to be  
6 .30.

7 27. RYAN ABELE suffered a traumatic brain injury as a result of the fall, and from which he  
8 died on October 27, 2016.

### 9 FIRST CAUSE OF ACTION

#### 10 (Negligence – vs. SIGMA NU and the INDIVIDUAL DEFENDANTS)

11 28. Plaintiffs reallege paragraphs 1 through 27, inclusive, of their Common Allegations and  
12 incorporate the same herein by reference as though set forth at length.

13 29. That the said conduct of the Individual Defendants, and each of them, was negligent.

14 30. As a direct and proximate result of the negligence of the said defendants, and each of  
15 them, RYAN ABELE was caused to, and did suffer serious bodily injuries, including a traumatic  
16 brain injury from which he died on October 27, 2016.

17 Wherefore Plaintiffs pray judgment as follows:

### 18 SECOND CAUSE OF ACTION

#### 19 (Violation of NRS 200.065 vs. SIGMA NU, and the INDIVIDUAL DEFENDANTS)

20 31. Plaintiffs reallege paragraphs 1 through 30, inclusive, of their Common Allegations and  
21 incorporate the same herein by reference as though set forth at length.

22 32. Nevada Revised Statute 200.605 provides that "hazing" means an activity in which a  
23 person intentionally or recklessly endangers the physical health of another person for the purpose  
24 of initiation into or affiliation with a student organization, academic association or athletic team at  
25 a high school, college or university in this state. The term: (a) Includes, without limitation, any  
26 physical brutality or brutal treatment, including, without limitation, whipping, beating, branding,  
27 forced calisthenics, exposure to the elements or forced consumption of food, liquor, drugs or other  
28 substances. Nevada Revised Statute 200.605 further provides that such activities are deemed to be



1 forced as a matter of law if initiation into or affiliation with a student organization, academic  
2 association or athletic team is directly or indirectly conditioned upon participation in the activity.

3 33. Defendants SIGMA NU and the INDIVIDUAL DEFENDANTS engaged in hazing by  
4 negligently and recklessly endangering the physical health of RYAN ABELE for the purpose of  
5 initiation into or affiliation with SIGMA NU by the forced consumption of liquor, as more fully  
6 described, above.

7 34. Said conduct on the part of the said defendants, and each of them was negligent.

8 35. As a direct and proximate result of the negligence of the said defendants, and each of  
9 them, RYAN ABELE was caused to, and did suffer serious bodily injuries, including a traumatic  
10 brain injury from which he died on October 27, 2016.

11 Wherefore, Plaintiffs pray judgment as follows:

12 **THIRD CAUSE OF ACTION**

13 **(Violation of UNR Anti-Hazing Policy – vs. SIGMA NU and the INDIVIDUAL**  
14 **DEFENDANTS)**

15 36. Plaintiffs reallege paragraphs 1 through 35, inclusive, of their Complaint, and incorporate  
16 the same herein by reference as though set forth at length.

17 37. SIGMA NU was at all times herein mentioned a fraternity.

18 38. The University of Nevada, Reno (“UNR”), has adopted official policies and guidelines  
19 which apply, *inter alia*, to fraternities and sororities recognized by UNR. Among the official  
20 policies adopted by UNR is an anti-hazing policy.

21 39. The anti-hazing policy adopted by UNR was in effect at all times mentioned herein, and  
22 provides, in part, that “Hazing has no place within a community of scholars. The Board of  
23 Regents of the Nevada System of Higher Education (NSHE) affirms its opposition to any form of  
24 hazing, as does the University of Nevada, Reno, community.” The policy further states:

25 “1. No member or alumnus of the NSHE community acting as an individual or  
26 part of a group shall conduct or condone hazing activities.

27 a. Hazing is defined as any method of initiation into or affiliation with the  
28 University, a student organization, a sports team, an academic association, or  
other group directly or indirectly engaged in that intentionally or recklessly

1 endangers that individual physically and/or mentally regardless of whether or not  
2 the recipient is a willing participant. Hazing is most often seen as an initiation rite  
into a student organization or group, but may occur in other situations.

3 b. Hazing activities may include, but are not limited to:

4 i. Any physical activity, such as whipping, beating, branding, forced  
5 calisthenics, exposure to the elements, forced consumption of food, liquid, drugs  
or other substance or any other brutal treatment or other forced physical activity  
6 that is likely to adversely affect the physical health of the person.

7 ii. Any mentally embarrassing, harassing, or ridiculing behaviors that  
8 create psychological shocks, to include but are not limited to such activities as:  
Engaging in public stunts and buffoonery, morale degradation or humiliating  
9 games and  
10 activities.

11 iii. Any situation which subjects the individual to extreme stress, such as  
12 sleep deprivation, forced exclusion from social contact, required participation in  
public stunts, or forced conduct which produces pain, physical discomfort, or  
adversely affects the mental health or dignity of an individual.

13 iv. Any expectations or commands that force individuals to engage in an  
14 illegal act and/or willful destruction or removal of public or private property.”

15 40. SIGMA NU and the INDIVIDUAL DEFENDANTS engaged in hazing by negligently and  
16 recklessly endangering the physical health of RYAN ABELE for the purpose of initiation into or  
17 affiliation with SIGMA NU by the forced consumption of liquor, subjecting him to sleep  
deprivation, and forced conduct which adversely affected his dignity, all as more fully described,  
18 above.

19 Wherefore, Plaintiffs pray judgment as follows:

20 **FOURTH CAUSE OF ACTION**

21 **(Violation of NRS 202.055 vs. SIGMA NU and the INDIVIDUAL DEFENDANTS)**

22 41. Plaintiffs reallege paragraphs 1 through 40, inclusive, of their Complaint, and incorporate  
the same herein by reference as though set forth at length.

23 42. Nevada Revised Statute 202.055 provides that it is a crime to knowingly provide alcohol  
24 to a person under the age of 21.

25 43. At all times herein mentioned RYAN ABELE was 18 years of age.

26 44. SIGMA NU and the INDIVIDUAL DEFENDANTS knowingly provided alcohol to  
27 RYAN ABELE.

28 Wherefore, Plaintiffs pray judgment as follows:

1 **FIFTH CAUSE OF ACTION**

2 **(NRS 41.1305 vs. SIGMA NU and the INDIVIDUAL DEFENDANTS)**

3 45. Plaintiffs reallege paragraphs 1 through 44, inclusive, of their Complaint, and incorporate  
4 the same herein by reference as though set forth at length.

5 46. Nevada Revised Statute 41.1305 provides that a person who knowingly serves or  
6 otherwise furnishes an alcoholic beverage to an underage person, or who knowingly allows an  
7 underage person to consume an alcoholic beverage on premises belonging to the person or over  
8 which he has control is civilly liable in damages for damages caused by the underage person as a  
9 result of consumption of the alcoholic beverage.

10 47. At all times herein mentioned RYAN ABELE was 18 years of age.

11 48. SIGMA NU and the INDIVIDUAL DEFENDANTS knowingly provided alcohol to  
12 RYAN ABELE or knowingly allowed him as an underage person to consume an alcoholic  
13 beverage on premises over which they had control.

14 Wherefore, Plaintiffs pray judgment as follows:

15 **SIXTH CAUSE OF ACTION**

16 **(Violation of UNR Alcohol Policy vs. SIGMA NU and the INDIVIDUAL DEFENDANTS)**

17 49. Plaintiffs reallege paragraphs 1 through 48, inclusive, of their Complaint, and incorporate  
18 the same herein by reference as though set forth at length.

19 50. UNR has adopted official policies and guidelines which apply, *inter alia*, to fraternities  
20 and sororities officially recognized by UNR, including SIGMA NU. Among the official policies  
21 adopted by UNR is an alcohol policy.

22 51. That alcohol policy provides, in part, as follows:

23 **Policy for Sale, Service, Distribution or Use of Alcoholic Beverages**

24 In order to provide a safe and healthy environment for students, to comply with  
25 federal, state and local law, and to support the academic mission of the university,  
26 the following policy for the sale, service, distribution and use of alcoholic  
27 beverages has been adopted. This policy applies, but is not limited to, the  
28 following: receptions, banquets, dinners, picnics, or any cultural or social activity.  
Advance request and approval from the associate vice president for Student Life  
Services to serve alcohol at an activity is required for all student organizations,  
campus departments and individuals as follows.

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- 1. A request may be made for alcoholic beverages at any activity sponsored by a student organization on university property or on property occupied by a student organization where all participants in attendance are 21 years of age or older.
- 2. A request may also be made for alcoholic beverages at activities sponsored by campus departments or guests using university facilities. Approval of alcohol requests will take into consideration the nature of the activity, number of underage participants, value of alcohol to the purpose of the activity, and security measures in place.
- 3. Alcoholic beverages must not be served in association with academic classes. See University Administrative Manual 5313 (e.g. in-class celebrations after final exams).

**FOR ACTIVITIES WHERE ALCOHOL IS BEING REQUESTED, THE FOLLOWING PROCEDURE MUST BE FOLLOWED:**

- 1. All requests must be submitted to the Associate Vice President for Student Life Services at least 10 working days in advance of the activity.
- 2. The sponsoring organization must hire a Licensed Liquor Vendor (LLV), as approved by the City of Reno, to serve the alcohol.
- 3. A representative of the sponsoring organization or department must sign the request accepting responsibility for the activity as it pertains to the distribution and control of alcohol.

**UPON APPROVAL OF THE ACTIVITY, SPONSORING ORGANIZATIONS AND INDIVIDUALS MUST COMPLY WITH THE FOLLOWING:**

- 1. There must be adequate food and non-alcoholic beverages available at the activity.
- 2. Individuals who appear to be intoxicated at an activity will not be served alcohol.
- 3. The designated organizational representative will be expected to intervene with the intoxicated person to ensure the safety of the individual (e.g. provide a "safe ride" home; call a cab, etc. at the cost of the sponsoring organization).
- 4. Drinking alcoholic beverages cannot be the primary focus or purpose of the activity.
- 5. Promotional materials may not make reference to the availability of alcoholic beverages at the activity, may not be directed to an underage audience, and may not display any alcoholic beverage signs, emblems or insignia.
- 6. No activity shall include any form of "drinking contest," "all you can drink" promotion, or encourage any form of rapid consumption of alcoholic beverage.
- 7. Alcoholic beverages will not be provided as part of a performance contract, nor will alcohol be used on-stage.

1 **VIOLATIONS OF THE POLICY FOR SALE, SERVICE, DISTRIBUTION OR USE OF**  
2 **ALCOHOLIC BEVERAGES MAY RESULT IN PENALTIES AS FOLLOWS:**

- 3 1. Student organizational officers will be subject to sanctions outlined in the  
4 University of Nevada, Reno Student Code of Conduct.  
5 2. Sanctions for student organizations may include, but are not limited to,  
6 warning, probation, denial of use of university facilities, and withdrawal of  
7 organization recognition.  
8 3. University departmental representatives will be subject to sanctions as  
9 outlined in Chapter 6 of the Board of Regents Handbook.  
10 4. Guests of the university will be subject to denial of future use of  
11 University facilities.

12 52. Plaintiffs are informed and believe, and thereupon allege that Defendants SIGMA NU,  
13 and the INDIVIDUAL DEFENDANTS did not request advance approval from the associate vice  
14 president for Student Life Services to serve alcohol at the ceremony described herein, failed to  
15 designate and provide an organizational representative to intervene with Ryan Abele as an  
16 intoxicated person to ensure his safety, and otherwise failed to comply with UNR's Alcohol  
17 Policy.

18 Wherefore, Plaintiffs pray judgment as follows:

19 **SEVENTH CAUSE OF ACTION**

20 **(Violation of Rule 15 of UNR Official Conduct Rules and Regulations vs. SIGMA NU and**  
21 **the INDIVIDUAL DEFENDANTS)**

22 53. Plaintiffs reallege paragraphs 1 through 52, inclusive, of their Complaint, and incorporate  
23 the same herein by reference as though set forth at length.

24 54. UNR has adopted official Conduct Rules and Regulations which apply to all students.  
25 Among the Official Conduct Rules and Regulations adopted by UNR is Rule 15, which provides:

26 “[The following conduct is prohibited:] Use, possession, or distribution of  
27 alcoholic beverages without authorization (except as expressly permitted by  
28 University regulations, such as the “Alcoholic Beverage Policy”), or public  
intoxication. Alcoholic beverages may not, in any circumstances, be used by,  
possessed by, or provided to, a person less than twenty-one years of age.”

55. At all times herein mentioned RYAN ABELE was 18 years of age.

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1 56. SIGMA NU and the INDIVIDUAL DEFENDANTS knowingly provided alcohol to  
2 RYAN ABELE.

3 Wherefore, Plaintiffs pray judgment as follows:

4 **EIGHTH CAUSE OF ACTION**

5 **(Violation of UNR Residence Based Alcohol Policy vs. SIGMA NU and the INDIVIDUAL**  
6 **DEFENDANTS)**

7 57. Plaintiffs reallege paragraphs 1 through 56, inclusive, of their Complaint, and incorporate  
8 the same herein by reference as though set forth at length.

9 58. Plaintiffs are informed and believe, and thereupon allege, that UNR has adopted a  
10 Residence Based Alcohol Policy, which applies to fraternities, including Defendant Sigma Nu.

11 59. Plaintiffs are informed and believe, and thereupon allege that the Residence Based  
12 Alcohol Policy provides, in part:

13 A. Possession or Consumption. Possession (internal or external) or possession  
14 through the consumption of alcoholic beverages in and around the residence halls  
15 is permitted only by residents and their guests 21+ years old, 21 years of age or  
16 older, in student rooms, with doors closed, and with no minors present.

17 A.1 Legal Drinking Age. Residents 21+ years old consuming alcohol with  
18 minors (those not of legal drinking age) is strictly prohibited. Excessive  
19 consumption of alcohol is prohibited in all situations, including those  
20 activities intended to encourage consumption of alcohol, regardless of the age  
21 of the person(s) involved.

22 B. In Presence Of. Alcohol may not be consumed or stored in rooms/suites  
23 (including refrigerators) if any resident or guest is under 21 years old. If alcohol is  
24 consumed or stored in rooms/suites (including refrigerators) and residents or  
25 guests under 21 years old are present, everyone present is considered as involved  
26 in a policy violation incident and subject to the conduct process. Everyone present  
27 will be included in the incident report and contacted by the Resident Director,  
28 Graduate Director, or other designee.

56. At all times herein mentioned RYAN ABELE was 18 years of age.

57. SIGMA NU and the INDIVIDUAL DEFENDANTS, including those over the age of 21,  
consumed alcohol with RYAN ABELE, and knowingly engaged in activities, as herein alleged,  
which were intended to encourage consumption of alcohol by others, including RYAN ABELE.



