

NORTH CAROLINA

) IN THE GENERAL COURT OF JUSTICE

ORANGE COUNTY

) FILED

SUPERIOR COURT DIVISION

) 17 CVS _____

MARY ALEXANDRA GORRY,

2017 SEP 22 P 1:37

Plaintiff,

ORANGE CO., O.S.C.

v.

BY

COMPLAINT

THE UNIVERSITY OF NORTH
 CAROLINA AT CHAPEL HILL,
 CAROL L. FOLT, LAWRENCE
 R. CUNNINGHAM, KAREN
 SHELTON, and GRANT FULTON,

Defendants.

COMPLAINT

NOW COMES Plaintiff Mary Alexandra Gorry, by and through her undersigned counsel, Stanley P. Dean, and files the following Complaint against Defendants The University of North Carolina at Chapel Hill, Carol L. Folt, Lawrence R. Cunningham, Karen Shelton, and Grant Fulton.

INTRODUCTORY STATEMENT

Plaintiff Mary Alexandra Gorry files this Complaint against Defendants The University of North Carolina at Chapel Hill, Carol L. Folt, Lawrence R. Cunningham, Karen Shelton, and Grant Fulton to seek money damages based upon Defendants' abuse, harassment, hazing, discrimination, and physical, verbal, mental, and emotional abuse and harassment which Mary Alexandra Gorry suffered as a result of Defendants' tortious conduct during the 2014-2015 and 2015-2016 field hockey seasons.

PARTIES

1. Plaintiff Mary Alexandra Gorry (hereinafter referred to as “Plaintiff” or “Alex”) is an adult individual and a citizen and resident of the State of North Carolina and was, at all times relevant to this Complaint, residing in Chapel Hill, North Carolina while attending Defendant The University of North Carolina at Chapel Hill.

2. Defendant The University of North Carolina at Chapel Hill (hereinafter referred to as “Defendant University”, “University or “UNC”) is a public research university located in Chapel Hill, North Carolina. The University received and continues to receive federal financial assistance, which it uses to support its academic and athletic programs.

3. Defendant Carol L. Folt (hereinafter referred to as “Defendant Folt”) is an adult individual and the Chancellor of the University, and, at all times relevant to this Complaint, was a citizen and resident of the State of North Carolina.

4. Defendant Lawrence R. Cunningham (hereinafter referred to as “Defendant Cunningham”) is an adult individual and the Director of Athletics at the University, and, at all times relevant to this Complaint, was a citizen and resident of the State of North Carolina.

5. Defendant Karen Shelton (hereinafter referred to as “Defendant Shelton”) is an adult individual and the Head Coach for the University’s Women’s Field Hockey Program, and, at all times relevant to this Complaint, was a citizen and resident of the State of North Carolina.

6. Defendant Grant Fulton (hereinafter referred to as “Defendant Fulton”) is an adult individual and the Associate Head Coach for the University’s Women’s Field Hockey Program, and, at all times relevant to this Complaint, was a resident of the State of North Carolina.

FACTUAL BACKGROUND

7. Alex enrolled at Defendant University for the 2014-2015 academic year and was a member of the field hockey team.

8. In the fall of Alex's freshman year she practiced with the starters of the women's field hockey team and red shirted as a defender her freshman year.

9. That fall Defendant Shelton publicly displayed positive opinions about Alex's play and ability to other players and parents of players.

10. However, during the second semester of Alex's freshman year she was told that she had been demoted and was pulled from practicing with the starters. Defendants Shelton and Fulton never explained to Plaintiff their reasoning for demoting her.

11. The field hockey team at UNC regularly held off-campus parties for team members, their guests and recruits.

12. Defendants Shelton and Fulton provided some of the players on the field hockey team with money to purchase alcoholic beverages for the team parties and recruits.

13. When team players hosted recruits they were provided with twenty dollars for each recruit by Defendants Shelton or Fulton to take the recruits to the field hockey party and pay for the underage recruits to consume alcoholic beverages at the party. Coaches instructed the players to not turn in recruiting compliance forms or receipts for their purchases because the receipts would evidence the purchase of alcoholic beverages by team members. Many members of the team and none of the recruits were not of legal age to purchase or consume alcohol.

14. Defendants Shelton and Fulton, other coaches of the field hockey team, and

Athletic Department staff attended and participated in the consumption of alcoholic beverages at the team functions.

15. Coaches of the field hockey team, including Defendants Shelton and Fulton provided the money to fund the end of season “Ho Ho Ho Holiday” team party wherein team players were required to dress in lingerie. Photographs taken at this holiday party were posted on social media and were provided to Athletic Department staff by the Gorrys.

16. After losing in the national semi-final round of the NCAA field hockey tournament in Maryland in 2014, team members were openly consuming alcohol in the team hotel lobby. The team members then entered the hotel bar wherein coaches, including Defendants Shelton and Fulton, parents of players, and staff members of the Athletic Department, including Larry Gallo, Executive Associate Athletic Director, were present, and visualized the team members continue to consume excessive amounts of alcohol while they remained in their team uniforms. The team members had packed the alcoholic beverages in their suitcases and carried them onto the team bus and then across state lines for travel to the tournament.

17. Photographs of the players drinking alcohol in their team uniforms were taken and posted on social media. Alex’s parents provided Defendant University copies of the photographs that were posted on social media.

18. In 2015, after the team was eliminated from national semi-finals round of the tournament in Michigan, the players and coaches went to a restaurant and consumed alcohol. Defendant Shelton took the senior players outside to drink shots of liquor. Some of the team players consumed such an excessive amount of alcohol afterwards that they were almost prohibited by airline personnel from boarding their return flight to the University. Coaches

Shelton and Fulton and members of the Athletic department staff, including Larry Gallo, Executive Associate Athletic Director, were present at the airport and had to intervene on the players' behalf in order for the players to be allowed on the flight.

19. Alex was harassed and hazed by coaches and other team members to consume alcohol while aboard on the team bus on the return trip from this tournament. When Alex informed the coaches that she had to drive when they returned to campus, she was told that "doesn't matter."

20. Alex began to attend some of the team parties, but refused to participate in the consuming of large amounts of alcoholic beverages. She eventually stopped attending the team parties because she was made to feel uncomfortable by the coaches and other team members due to her unwillingness to participate in consuming large amounts of alcoholic beverages and/or binge drinking.

21. Alex was finally told by the Defendants Shelton and Fulton that they were concerned that she was not attending team parties. She did not attend the team parties because excessive drinking of alcohol was encouraged by the coaches and other players. The main goal of these parties was to get as drunk as possible.

22. Defendant Shelton informed Alex that she was a "bad teammate" after her refusal to continue to attend team parties and participate in the consuming of excessive amounts of alcohol.

23. Alex was also told by Defendants Shelton and Fulton that she would be a better field hockey player if she attended the team parties. Players that do not participate in the team parties are viewed less favorably by the coaching staff.

24. After Alex's redshirt season she was unsure of her role and status as a member

of the women's field hockey team. She worked the summer of her freshman year on her overall fitness in preparation for the upcoming women's field hockey fall season.

25. The culture of the women's field hockey team is one that encourages and requires the team players to participate in underage and binge drinking of alcohol, and to violate University, NCAA and ACC policies. It is a culture fostered and encouraged by Defendants Shelton and Fulton. It is also a culture well known to the Athletic Department and the UNC community as a whole.

26. After her demotion from the starting team, a fellow student and student team staff member informed Alex that parents of other team members were making monetary donations directly to Defendant Shelton which enabled their daughters to receive more playing time, leadership roles on the team, and, for recruits, admission to the University.

27. Defendant Shelton is thereby creating an atmosphere of discrimination and non-equality of all players, and does not allow players to succeed based solely on their merits as players, but on their willingness to consume excessive amounts of alcohol and the ability of their parents to make cash donations.

28. Defendant Fulton operates a field hockey club, Carolina All Stars, wherein he uses this platform to contact potential recruits out of the area and outside the NCAA and ACC regulated time period for recruitment of players.

29. Some of the players on Defendant Fulton's club team resided outside the required distance or mileage to play on Defendant Fulton's club team. Some of those players ultimately committed to playing for the University's women's field hockey team. Defendant Fulton also hosted dinners at tournaments for members of the club field hockey team.

30. Additionally, Defendant Fulton paid team UNC field hockey players cash

money to coach his field hockey club and did not submit W-2s for reporting of the players' income.

31. Defendant University has provided Defendant Fulton access and approval to use University facilities to operate and train the Carolina All Stars. Defendant University's continued renewal of Defendant Fulton's contract as Associate Head Coach of the women's field hockey team, and their continued approval of his use of the University's facilities to operate and train his club team is a tacit endorsement by Defendant University of Defendant Fulton's out of the area and out of regulated time period recruiting activities.

32. In January 2016, Alex met with Defendants Shelton and Fulton to notify them that she was resigning from the team due to the harassment and abuse she had suffered from them, other team coaches, and team members over her unwillingness to participate in drinking of alcoholic beverages and attendance at team parties and the hostile and unsafe environment that they had created on the women's field hockey team.

33. Defendant Shelton's only concerns at the meeting were how to keep Alex on the team, and to whom Alex intended to disclose the overall culture of the team and potential NCAA and University policy and rules violations.

34. Defendants Shelton and Fulton did not discuss what resolutions could be accomplished to stop and eliminate the said binge drinking by team members, nor were they concerned that the binge drinking interfered with the team members' safety.

35. In September 2015 Allan Gorry, Alex's father and UNC football letterman, met with Rick Steinbacher, UNC Senior Associate Athletic Director for Marketing and Football and Olympic Sports Operations, to inform him of the hazing experienced by Alex and the culture of the field hockey team.

36. On the advice of Rick Steinbacher, in October 2015, Allan Gorry, met with Defendant Shelton regarding his concerns regarding binge drinking by the team members, and harassment, bullying, hazing and the unfair and discriminatory treatment that Alex had received from Defendants Shelton and Fulton and other coaches, and team members, and his overall concern for the safety and well-being of Alex. At the meeting Defendant Shelton promised to speak with Alex about these concerns. Defendant Shelton never spoke to Alex regarding the issues raised by Allan Gorry.

37. Additionally, Allan Gorry informed Defendant Shelton that he knew that she was taking money from team members' parents for their daughter to have more playing time and/or to be placed on the starting team.

38. Defendant Shelton's only concern was the identity of the person that provided Mr. Gorry with the information of the team binge drinking and payments for team members' additional playing time.

39. Defendant Shelton did not indicate that she would report the events of binge drinking by the team members nor did she show any concern for Alex's and other team members' safety and well-being.

40. Defendant Shelton also attempted to induce Mr. Gorry into paying her to resolve Alex's demotion and decreased playing time. She stated to Mr. Gorry that she had multiple donors and needed this money to operate her athletic program.

41. Additionally, Defendant Shelton did not discuss what resolutions could be accomplished to stop and eliminate the said binge drinking by team members, nor was she concerned about her violation of NCAA and University policy on taking money from parents of certain players; NCAA, ACC and University policies on consumption of alcohol by team

players; her harassing, abuse, and discriminatory treatment of Alex; and the overall safety and well-being of Alex or other team members.

42. Alex and her parents met with Marielle VanGelder, Associate Athletics Director, and Defendant Cunningham on January 25, 2016, to report and discuss their concerns of underage and binge drinking by the field hockey team members; Defendants Shelton and Fulton's encouragement of these activities; and the harassing, abuse, and discriminatory treatment of Alex by Defendants Shelton and Fulton and other field hockey team members; and the overall safety and well-being of Alex or other team members.

43. Their reported concerns were neither acknowledged by the University and its Athletic Department staff members, nor did the Gorrays receive a response or report of the University's investigation or findings from Defendant Cunningham or Ms. VanGelder.

44. On February 4, 2016, the Gorrays e-mailed Ms. VanGelder and copied Defendant Cunningham to follow up on the University's actions and the results of any investigation since their meeting on January 25, 2016. Although the Athletic Department was informed by the Gorrays and other players of the hazing and alcohol issues, Defendant Cunningham stated that he had only heard positive things about the field hockey team presently and in the past.

45. In February 2016, Ms. VanGelder responded by e-mail to the Gorrays that the items that they discussed in their January 25, 2016, were discussed at the field hockey team's year end meeting. Additionally meetings were being scheduled with field hockey student athletes to discuss their said reported allegations and concerns, and that any found violations of University, NCAA and ACC policy would be appropriately addressed.

46. Alex and her parents heard nothing further regarding the outcome of the

University's alleged investigation of their reported violations and concerns.

47. Alex continues to attend the University of North Carolina at Chapel Hill, but has not participated in a varsity athletic program at Defendant University after resigning from the field hockey team.

48. The abuse, harassment, and discrimination and physical, verbal, mental, and emotional abuse that Alex suffered at the hands of Defendants Shelton and Fulton, and others at the University, precluded Alex from enjoying the benefits of participating in a NCAA Division I athletic program at the University.

49. The abuse, harassment, and discrimination and physical, verbal, mental, and emotional abuse that Alex suffered at the hands of Defendants Shelton and Fulton, and others at the University, also denied Alex the enjoyment of the social aspects inherent in the college experience at UNC.

50. The abuse, harassment, and discrimination and physical, verbal, mental, and emotional abuse that Alex suffered at the hands of Defendants Shelton and Fulton and others at the University constituted "hazing" and "bullying," which are prohibited by the University's Policy on Prohibited Discrimination, Harassment and Related Misconduct (hereinafter referred to as "Title IX Policy"); The University's Policy on Non-Discrimination for Program Participants and Policy Statement on Non-Discrimination (hereinafter referred to as "Nondiscrimination Policy"; the University's Student-Athlete Handbook (hereinafter referred to as "Athlete Handbook"); and the University's Student Athlete Code of Conduct (hereinafter referred to as "Conduct Code"). A true and correct copy of the University's Title IX Policy is attached hereto as **Exhibit A**. A true and correct copy of the University's Non-Discrimination Policy is attached hereto as **Exhibit B**. A true and correct copy of the University's Athlete

Handbook which includes the Conduct Code is attached hereto as **Exhibit C**.

51. The University's Title IX Policy and University's Non-Discrimination Policy provide, in pertinent part, that:

The University does not discriminate on the basis of age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, or protected status in any of its education or employment programs and activities. To that end, this policy prohibits all forms of Discrimination, Harassment, Sexual Violence, Sexual Exploitation, Stalking, Interpersonal Violence or any other behavior that violates Title IX of the Education Amendments Act of 1972; Title VII of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; and 42 U.S.C. § 1983.

The University prohibits Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual or Gender-Based Harassment, Complicity in the commission of any act prohibited by this policy, and Retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this policy (collectively, "Prohibited Conduct"). These forms of Prohibited Conduct are unlawful, undermine the character and purpose of the University, and will not be tolerated.

52. The University's Title IX Policy and University's Non-Discrimination Policy further provide, in pertinent part, that:

The University prohibits harassment which is a type of discrimination that occurs when verbal, physical, electronic or other conduct based on an individual's protected status interferes with that individual's education environment; work environment; participation in a University program or activity; or receipt of legitimately requested services, thereby creating hostile environment harassment or quid pro quo harassment.

Hostile environment harassment is unwelcome conduct that is so severe, persistent or pervasive that it alters the conditions of education, employment or participation in a University program or activity, thereby creating an environment that a reasonable prudent person would find hostile, intimidating or abusive.

Quid pro quo is unwelcomed conduct where submission to or rejection

of such conduct is used, explicitly or implicitly as the basis for decisions affecting an individual's education, employment, or participation in a University program or activity.

53. The Athlete Handbook provides, in pertinent part, that:

The University Department of Athletics requires coaches, trainers, staff, and student athletes to conduct themselves in a manner which creates a positive image of the people, values, and traditions associated with the University, and may not violate the University's Policy on Prohibited Harassment and Discrimination.

The University Department of Athletics prohibits any forms of sexual/racial harassment, assault, hazing or other forms of harassment, and retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this policy will not be tolerated.

The University requires respect for human dignity. The Department of Athletics believes that hazing demeans those who participate and is fundamentally incompatible with the standard of integrity expected by the University and its athletic program. In accordance with State of North Carolina law and University policy hazing or initiations are strictly prohibited, whether or not the person has consented to participation in the activity. Thus, no student athlete can be required, expected or allowed to participate in any hazing activity for any reason. The Athlete Manual then provides examples of hazing which include, but are not limited to a student athlete being yelled at, cursed or sworn at, humiliated, ridiculed or physically or psychologically abused; forced or expected to drink alcohol; and forced to wear embarrassing clothing.

54. The Athlete Handbook further provides, in pertinent part, that:

The University prohibits the consumption of alcohol on a team trip or at any team related function, which extends to travel to and from any event, home games, team gatherings before or after games, and any time the team is together in an official capacity.

In addition to the University Alcohol policy the Athletic Department prohibits purchase and consumption of alcohol during team travel; serving or consumption of alcohol during team travel; and the purchase of alcohol by administrators or coaches for consumption by student athletes.

The University prohibits the use of prospect cash to purchase or provide the prospective student athlete with alcohol, and to allow

prospective student athletes to consume alcohol while visiting campus.

55. In addition, the National Collegiate Athletic Association (“NCAA”), of which Defendant University is a member institution, has published a handbook entitled “Building New Traditions: Hazing Prevention in College Athletics,” which places responsibility for preventing hazing on administrators and coaches. A true and correct copy of Building New Traditions: Hazing Prevention in College Athletics is attached hereto as **Exhibit D**.

56. Building New Traditions: Hazing Prevention in College Athletics provides, in pertinent part, that:

NCAA legislation describes a shared responsibility between the NCAA national office and the NCAA member institutions to protect the health and safety of all student-athletes! This shared responsibility demands attention to the ‘**Culture of Hazing**’ on our campuses. Every year, NCAA schools experience hazing incidents that result in serious physical or emotional injury. Students seeking acceptance on their new team become victims! Each incident is guised in the inappropriate and misguided concept of a traditional initiation. Traditions that harm must be replaced with ones that build character and strengthen terms.”

Coaches’ attitudes and willingness to address hazing will be a major factor in its prevention on the team! Coaches have a responsibility to take an empathic position about treating everyone with total respect at all times from the moment they set foot on the campus, even during recruiting.

Institutions must create hazing prevention educational programs and materials, and policy on reporting of hazing occurrences. The institution must perform an investigation into each reported occurrence and it is best if the investigation occurs separate from the Athlete Department.

57. Building New Traditions: Hazing Prevention in College Athletics further provides, in pertinent part, that:

Hazing is any act committed against someone joining or becoming a member or maintaining membership in any organization that is humiliating, intimidating, or demeaning or endangers the health and safety of the person. Hazing includes active or passive participation in such acts and occurs regardless of the willingness to participate in the activities! Hazing creates an environment/climate in which dignity and respect are absent. Hazing occurs

when there is an expectation, whether implicit or explicit, that to be accepted or part of the group, student athletes must participate in the activity. An expectation can subtly coerce athletes to do things they would not normally do.

Critical concepts in hazing prevention states that alcohol reduces inhibition and the ability to resist or protest; and severity is not always measured in observed harm-mental distress can be just as devastating to the individual as physical injury.

Subtle Hazing is behaviors that emphasize a power imbalance between new members and veterans of the group or team, and are mistakenly accepted as harmless. It involves ridicule, embarrassment and humiliation, and considered harassment!

Harassment Hazing is behaviors that cause emotional anguish or physical discomfort that puts unnecessary stress upon the victims such as verbal abuse and threats.

Violent Hazing is behaviors that have the potential to cause physical and/or emotional harm such as forced alcohol consumption.

Mental hazing can leave lasting psychological scars. Mental hazing can sometimes be worse than physical abuse.

An organization or institution commits a hazing offense if it condones or encourages hazing, or if an officer or any combination of members, pledges or alumni of the organization, commits or assists in hazing.

58. The NCAA Division I Manual provides, at Constitution, Article 2, that “[i]t is the responsibility of each member institution to protect the health of, and provide a safe environment for, each of its participating student-athletes; “[i]t is the responsibility of each member institution to establish and maintain an environment that fosters a positive relationship between the student athlete and coach; and “[i]t is the responsibility of each member institution to ensures the coaches and administrators exhibit fairness, openness and honesty in their relationships with student athletes. A true and correct copy of Constitution, Article 2 from the NCAA Division I Manual is attached hereto as **Exhibit E**.

59. The NCAA Division I Manual further provides that “[i]t is the responsibility of

each member institution to monitor and control its athletic program, members, representatives and student athletes to ensure compliance with the Constitution and Bylaws of the Association; and “[i]t is the responsibility of each member institution to report all breaches of conduct established by these Bylaws to the Association in a timely manner and cooperate with the Association’s enforcement efforts.

60. The NCAA Division I Manual defines, at Constitution, Article 13, Recruiting as any solicitation of a prospective student athlete or a prospective student athlete’s relative by an institutional staff member or by a representative of the institution’s athletics interest for the purpose of securing the prospective student athlete’s enrollment and ultimate participation in the institution’s intercollegiate athletics program; that a recruiting quiet period is a period of time when it is permissible to make in-person recruiting contacts only on the institution’s campus; a dead period is a period of time when it is not permissible to make in-person recruiting contacts or evaluations on or off campus or to permit official or unofficial visits by prospective student athletes to campus; an official visit is one that is financed in whole or in part by the institution; an unofficial visit is one that is financed by the prospective student athlete; and any staff member may not make recruiting contact with a prospective student athlete at a private or institutional camp or clinic during the day or days of competition regardless of whether recruitment visit is official or unofficial. A true and correct copy of Constitution, Article 13 from the NCAA Division I Manual and the NCAA Recruiting Calendars for 2014-2015 and 2015-2016 Field Hockey are attached hereto as **Exhibits F and G**.

61. An institution, university, and/or school has the following obligations under the ant-discrimination statutes and laws mentioned hereinabove:

Once an institution, university, and/or school knows or reasonably should know of possible student on student harassment, it must take immediate and

appropriate action to investigate or otherwise determine what occurred.

If harassment has occurred, an institution, university, and/or school must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment, and prevent its reoccurrence. These duties are an institution, university, and/or school's responsibility whether the student makes a complaint, asks for action to be taken or identifies the harassment as a form of discrimination.

62. Defendant UNC, as well as Defendants Folt and Cunningham, did not educate the University's employees, including Defendants Shelton and Fulton, regarding the University's Title IX Policy; the University's Nondiscrimination Policy; the University's Athlete Handbook; and the NCAA Building New Traditions: Hazing Prevention in College Athletics, or the NCAA Division I Manual.

63. Defendant UNC, as well as Defendants Folt and Cunningham, did not enforce University's Title IX Policy; the University's Nondiscrimination Policy; the University's Athlete Handbook; and the NCAA Building New Traditions: Hazing Prevention in College Athletics, and the NCAA Division I Manual.

64. Defendant UNC, as well as Defendants Folt and Cunningham, did not promote University's Title IX Policy; the University's Nondiscrimination Policy; the University's Athlete Handbook; and the NCAA Building New Traditions: Hazing Prevention in College Athletics, or the NCAA Division I Manual.

65. Instead, Defendant UNC, as well as Defendants Folt and Cunningham, in their respective individual capacities, completely ignored the University's Title IX Policy; the University's Nondiscrimination Policy; the University's Athlete Handbook; and the NCAA Building New Traditions: Hazing Prevention in College Athletics, or the NCAA Division I Manual in allowing Defendants Shelton and Fulton and others to bully, abuse, harass, haze, and discriminate against Alex.

66. Through their inaction, Defendant UNC, as well as Defendants Folt and Cunningham, in their respective individual capacities, fostered a culture of bullying, abuse, hazing, harassment, and discrimination at the University which allowed Defendants Shelton and Fulton and others to bully, abuse, harass, haze, and discriminate against Alex.

67. Defendants Shelton and Fulton, in their respective individual capacities as coaches for the women's field hockey team, fostered a culture of bullying, abuse, hazing, harassment, and discrimination on the women's field hockey team at the University which allowed other coaches and teammates to bully, abuse, harass, haze, and discriminate against Alex.

68. Defendants Shelton and Fulton, in their respective individual capacities as coaches for the women's field hockey team, fostered a culture of bullying, abuse, hazing, harassment, and discrimination on the women's field hockey team at the University which created a hostile, unsafe, and uncomfortable environment for Alex and potentially other teammates.

69. Alex witnessed Defendants Shelton and Fulton and others with the women's Field Hockey Program engage in bullying, hazing, and harassing conduct against other student athletes and prospective student athletes to the Women's Field Hockey Program, including conduct which constituted hazing, abuse and harassment. Alex also witnessed Defendants Shelton and Fulton and others with the Women's Field Hockey Program encourage, harass, and taunt other student athletes to attend and participate in team parties and excessive consumption of alcohol at team parties and before and after competitions and tournaments and during travel to and from these competitions and tournaments.

70. In addition to allowing Defendants Shelton and Fulton and others to bully,

abuse, harass, haze, and discriminate against Alex, Defendants UNC, Cunningham and Folt have failed to take any disciplinary action against Defendants Shelton and Fulton and others, and have instead allowed them to continue to participate and coach with the UNC Women's Field Hockey Team, while Alex is not sure if she will ever play field hockey again.

71. As a direct and proximate result of the acts and omissions of the Defendants, Alex has suffered and continues to suffer harm to physical and mental well-being. Among other diagnoses, Alex has been diagnosed with post-traumatic stress disorder (PTSD), eating disorder, anxiety and depression.

FIRST CAUSE OF ACTION

72. Alex hereby incorporates all preceding Paragraphs of this Complaint as if they were fully set forth herein.

73. Defendants UNC, Folt, Cunningham, Shelton and Fulton, in their respective individual capacities, had a duty to act with ordinary care toward Alex.

74. Defendants UNC, Folt, Cunningham, Shelton and Fulton, in their respective individual capacities, breached their duty of care to Alex by subjecting her to abuse, harassment, hazing and discrimination.

75. Defendants UNC, Folt, Cunningham, Shelton and Fulton, in their respective individual capacities, had a duty to protect the health and safety of all student-athletes.

76. Defendants UNC, Folt, Cunningham, Shelton and Fulton, in their respective individual capacities, breached their duty to protect the health and safety of student athletes to Alex by subjecting her to abuse, harassment, hazing and discrimination.

77. Defendants UNC's, Folt's, and Cunningham's indifference and non-action to

Defendants Shelton and Fulton's blatant violations of the University's Title IX Policy; the University's Nondiscrimination Policy; the University's Athlete Handbook; and the University's Conduct Code pertaining to harassment, discrimination, alcohol, hazing and recruitment has subjected Alex to continuous abuse, harassment, hazing and discrimination.

78. Defendants Shelton's and Fulton's indifference and blatant violations of the University's Title IX Policy; the University's Nondiscrimination Policy; the University's Athlete Handbook; and the University's Conduct Code pertaining to harassment, discrimination, alcohol, hazing and recruitment has subjected Alex to continuous abuse, harassment, hazing and discrimination.

79. The conducts of Defendants UNC, Folt, Cunningham, Shelton and Fulton, in their respective individual capacities, proximately caused damages to Alex.

80. Alex has suffered and continues to suffer damages by reason of Defendants' conduct, including but not limited to the abuse, harassment, hazing and discrimination to which she was subjected.

81. Plaintiff Alex Gorry demands judgment in her favor and against Defendants University of North Carolina at Chapel Hill, Carol L. Folt, Lawrence R. Cunningham, Karen Shelton and Grant Fulton in an amount sufficient to compensate her for the abuse, harassment, hazing, and discrimination, and physical, verbal, emotional, and mental abuse she has suffered, medical expenses, and all other amounts necessary to compensate her for the damages incurred as a result of the Defendants' tortious conduct, costs including reasonable attorneys' fees, pre-judgment and post-judgment interest, and any and all other relief this Court deems just and appropriate.

SECOND CAUSE OF ACTION

82. Alex hereby incorporates all preceding Paragraphs of this Complaint as if they were fully set forth herein.

83. By Defendants UNC's, Folt's, and Cunningham's indifference and non-action to Defendants Shelton and Fulton's blatant violations of the University's Title IX Policy; the University's Nondiscrimination Policy; the University's Athlete Handbook; and the University's Conduct Code pertaining to harassment, discrimination, alcohol, hazing and recruitment, Defendants UNC, Folt and Cunningham knew or should have known that Alex would be subject to continuous abuse, harassment, hazing and could cause severe emotional distress for its Alex.

84. By Defendants Shelton's and Fulton's indifference and blatant violations of the University's Title IX Policy; the University's Nondiscrimination Policy; the University's Athlete Handbook; and the University's Conduct Code pertaining to harassment, discrimination, alcohol, hazing and recruitment, Defendants Shelton and Fulton knew or should have known that Alex would be subject to continuous abuse, harassment, hazing and could cause severe emotional distress for its Alex.

85. Defendants' conduct has been the direct and proximate cause of severe and debilitating emotional stress and trauma for Plaintiff.

86. As a result of Defendants' negligent infliction of emotional distress to Plaintiff she has been damaged in an amount to be proven at trial.

THIRD CAUSE OF ACTION

87. Alex hereby incorporates all preceding Paragraphs of this Complaint as if they were fully set forth herein.

88. By Defendants UNC's, Folt's, and Cunningham's indifference and non-action to Defendants Shelton and Fulton's blatant violations of the University's Title IX Policy; the University's Nondiscrimination Policy; the University's Athlete Handbook; and the University's Conduct Code pertaining to harassment, discrimination, alcohol, hazing and recruitment, Defendants UNC, Folt and Cunningham acted intentionally or recklessly without regard to the safety or well-being of Alex and intentionally or recklessly exposed Alex to continuous abuse, harassment, and hazing.

89. By Defendants Shelton's and Fulton's indifference and blatant violations of the University's Title IX Policy; the University's Nondiscrimination Policy; the University's Athlete Handbook; and the University's Conduct Code pertaining to harassment, discrimination, alcohol, hazing and recruitment, Defendants Shelton and Fulton acted intentionally or recklessly without regard to the safety or well-being of Alex and intentionally or recklessly exposed Alex to continuous abuse, harassment, and hazing.

90. Defendants' intentional or reckless conduct has been the direct and proximate cause of severe and debilitating emotional stress and trauma for Plaintiff.

91. As a result of Defendants' intentional infliction of emotional distress to Plaintiff she has been damaged in an amount to be proven at trial.

92. Defendants' intentional and/or reckless conduct was done in furtherance of their own private interests, and was willful, wanton, malicious and oppressive, and done with conscious indifference to the consequences and with specific intent to harm. Accordingly, Plaintiff is entitled to punitive damages.

WHEREFORE, the Plaintiff respectfully prays the court as follows:

1. That Plaintiff, Alex Gorry, have and recover damages from Defendants an amount in excess of \$10,000 for Defendants' negligence.

2. That Plaintiff, Alex Gorry, have and recover damages from Defendants an amount in excess of \$10,000 for Defendants' negligent infliction of emotional distress;

3. That Plaintiff, Alex Gorry, have and recover damages from Defendants an amount in excess of \$10,000 for Defendants' intentional infliction of emotional distress;

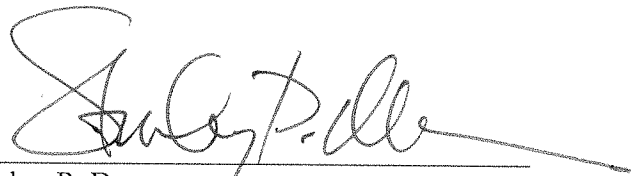
4. That Plaintiff has and recover from the Defendants punitive damages in a sum to be determined by the Court for Defendants' fraudulent conduct done in furtherance of their own private interests, and which was willful, wanton, malicious and oppressive, and done with conscious indifferences to the consequences and with specific intent to harm;

5. That the cost of this action, including any reasonable attorney's fee, be taxed against the Defendants;

6. For trial by jury on all issues so triable; and

7. For such other and further relief as the court deems just and proper.

This the 22nd day of September 2017.



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