

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X **Civil Action No.:**
PRIYANKA BANKS,

Plaintiff,

-against-

COMPLAINT
DECLARATORY JUDGMENT,
EQUITABLE RELIEF, ACTS OF
NEGLIGENCE, DEFAMATION,
BREACH OF CONTRACT and
DAMAGES

DELTA SIGMA THETA SORORITY, INC.,

Jury Trial Demanded

Defendant.

-----X

COMPLAINT

COME NOW Plaintiff, PRIYANKA BANKS, by and through counsel, Hernandez M. Rhau, Esq., and respectfully present this Complaint against the Defendant Delta Sigma Theta Sorority, Inc., (hereinafter sometimes referred to as “DST”), to enforce Plaintiff’s claims for acts of negligence, defamation, breach of fiduciary duty, breach of contract, ultra vires act and declaratory relief.

JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332.

PARTIES

2. Plaintiff is a six year member of DST, and a former Step Team Captain of the Beta Eta Chapter of said sorority. Plaintiff currently resides in Atlanta, Georgia. As a member of said sorority, pursuant to Article I Sections I and K of the Constitution and Bylaws, Plaintiff should have been afforded the rights and courtesies of such standing.

3. Defendant, DST is an organization, incorporated as a nonprofit corporation in Washington, D.C. on February 19, 1913 with its principal headquarters located in Washington, D.C. and with female members of all different backgrounds, ethnicities, economic status, physical appearance, personalities, political views, sexual orientation, religious beliefs, levels of education and professions with at least 56 chapters in the state of New York alone.

4. Defendant adopted a Constitution and Bylaws, and operates pursuant to said documents, pertinent parts of which are attached hereto as **Exhibit “A”** and is also governed by rules set forth in its Code of Conduct, pertinent parts of which are attached hereto as **Exhibit “B”** and the

appeals procedure set forth in its Chapter Management Handbook, pertinent parts of which are attached hereto as **Exhibit “C”**.

STATEMENT OF THE FACTS

5. Plaintiff incorporates fully herein all the allegations of paragraphs 1-4 of the Complaint.
6. On April 23, 2009, while attending Alabama State University as an undergraduate, the Plaintiff was initiated into the Beta Eta Chapter of Delta Sigma Theta Sorority, Inc.
7. During her undergraduate years Alabama State University, the Plaintiff majored in Theatre Arts, won the coveted title of Miss Alabama State University, served as the Step Team Captain of the Beta Eta chapter as well as its treasurer.
8. While a member of DST for nearly six (6) years, the Plaintiff was never in violation of the sororities Constitution and Bylaws or the sororities Rules and Regulations. Furthermore, the Plaintiff was never placed on probation, suspended, fined and/or sanctioned or declared inactive for violating any of the sororities Constitution and Bylaws or the sororities Rules and Regulations.
9. Moreover, throughout her years as a member of DST, the Plaintiff continuously paid membership dues to her chapter and the organization’s Grand Chapter.
10. On or about April of 2013, the Plaintiff was contacted for an interview with respect to a reality television show called “Sorority Sisters” which would be based on the lives of female members of Black Greek Letter Organizations. Following a successful interview, the Plaintiff began filming a pilot for said reality show on August 16, 2013. On June 1, 2014, the Plaintiff learned that the VH1 network had picked up the Sorority Sisters reality show.
11. On or about June of 2014, a Sorority Sisters preview teaser was released to negative reactions and backlash from the Black Greek letter community, including the launch of national petitions, one of which was on MoveOn.Org seeking to prevent the airing of the reality show on television. By June 11, 2014, even before the official filming of the show, this particular petition had received nearly 20,000 signatures.
12. On or about July of 2014, VH1 began filming the Plaintiff and her cast mates for the Sorority Sisters reality show. The filming of the show continued through the month of July and concluded on October 5, 2014.
13. The overall negative feedback regarding the show in general persisted, however, after VH1 submitted a press release for the show on December 11, 2014, the Plaintiff began personally receiving backlash via social media. It is important to note that the basis of this social media outrage stemmed from VH1’s reputation for creating reality shows which depicted black women infighting, using profanity, behaving violently and verbally tearing one another down. The public refers to these type of shows with the colloquialism “ratchet TV” which means the characters within these programs would engage in the aforementioned acts. Ironically, one of

VH1's most popular chain of allegedly "ratchet TV" reality shows starred a cast member who is also a member of DST, however, this particular member was never held in violation of the sororities Constitution and Bylaws or the sororities Rules and Regulations, suspended or expelled.

14. During season one (1) of Sorority Sisters, Plaintiff and her cast members, all of whom are college educated, some of whom are business owners, collectively performed community service, some sang in a church choir, others worked out their differences, all pursued their dreams, one cast mate worked to obtain a doctorate, two others raised children as single parents, and another planned for a wedding, and all of them engaged in normal everyday activities that people typically do, including occasionally arguing.

15. Additionally, the Plaintiff, in episodes six (6) and seven (7) of Sorority Sisters, spear headed a project for HIV awareness where all the profits raised were donated to HIV local clinics.

16. Still, without having watched the entire season of Sorority Sisters, the majority of the critics of the show blindly attributed all the elements of VH1's previous reality shows to Sorority Sisters and launched a hate campaign questioning the characters of the Plaintiff and the other cast mates with only the previous "ratchet TV" shows as a point of reference.

17. Now, once it became clear that the Sorority Sisters reality show would air on December 15, 2014, despite the protest of Black Greek Letter Organizations and social media as a whole, the response quickly turned from what may have appeared to be a sincere concern by the protestors in terms of the show's depiction of African American women to in actuality malicious verbal attacks and threats to the Plaintiff and her cast mates from members of Black Greek Letter Organizations, including members of the Plaintiff's own organization, DST.

18. Further, after Sorority Sisters aired on December 15, 2014, the backlash intensified for the Plaintiff in that it developed into cyber bullying. Specifically, the Twitter comments and Facebook post became even more defaming, harassing, egregious and disrespectful, also including death threats to Plaintiff and her cast mates. **(See Exhibit "D")**

19. During this ongoing cyber bullying, DST neither publicly condemned the actions of its members nor issued a national directive to its members to cease and desist with the cyber bullying of the Plaintiff and/or her sorority sister cast mates. Notably, none of the members of DST involved in the cyber bullying and death threats were investigated and/or found to be in violation of the sororities Constitution and Bylaws or the sororities Rules and Regulations.

20. The cyber bullying and death threats became so severe that on December 29, 2014, VH1 aired a special episode of Sorority Sisters called "The Dialogue" wherein all the cast mates including the Plaintiff discussed the backlash, cyber bullying and the death threats they received from members of their own organizations.

21. Accordingly, the Plaintiff explained on the episode of "The Dialogue" that although she is a member of DST, she did not join the cast intending to speak for or to represent every

member of her sorority but instead wanted to share her own personal life story as a member of DST. The Plaintiff went on to describe how she was called derogatory racist terms by her own sorority on social media like “coon” as well as “stripper” and “slut”. Furthermore, the Plaintiff explained on this special episode that she always had an outspoken, artistic personality and an appearance which included colorful hair and unique styles of dress and that when she was selected to be a member of DST the organization knew and welcomed her uniqueness.

22. Yet, the most poignant portion of the Plaintiff’s interview on The Dialogue episode was when she addressed the fact that members of her sorority who verbally attacked her via the internet for misrepresenting the organization were as she stated “leaving a paper trail on the internet showing non-Greeks how you treat your own soror...so if anyone says watching this show is going to make people not want to pledge, your making people not want to pledge...”

23. Nonetheless, despite the information provided by the Plaintiff on this special episode involving death threats, DST failed to demonstrate leadership by publicly condemning the actions of its members or holding any of the members involved in these actions accountable or in violation of the sororities Constitution and Bylaws or Rules and Regulations.

24. Ultimately, as a result of the public pressure, advertisers pulled their commercials from the Sorority Sisters show time slot, forcing VH1 to cancel the reality show on January 16, 2015. Likewise, DST yielded to the public pressure thereby validating the social media accusations and in an attempt to appease the social media “lynch mob”, handed down the most severe penalty possible and expelled the Plaintiff and her DST sorority cast mates from their beloved organization for participating in the reality show. Even more disturbing, the Plaintiff discovered she was expelled without cause or an explanation from the sorority on January 20, 2015 through a random Facebook posting. To date, the Plaintiff has never received any formal notice or explanation from DST regarding being expelled from the organization.

25. Interestingly, the Plaintiff later learned that she was officially expelled from her sorority on January 13, 2015 in that her name had been listed on the DST website since the above mentioned date. Oddly, the protested “ratchet TV” behavior anticipated by those involved in the cyber bullying of the Plaintiff, was literally being acted out by the very protestors themselves. Again, none of the DST members involved in the harassment and threats were investigated by DST and or expelled.

26. Notwithstanding being made aware of the threatening and illegal behavior of members of DST, the national headquarters of DST never issued a national directive to its members to discontinue the hate campaign, cyber bullying and death threats. Instead, DST lacking notice or cause expelled the Plaintiff without citing any section of the Constitution and Bylaws or the sororities Rules and Regulations in which Plaintiff may have violated.

27. Typically, cast members of reality shows are able to obtain business and financial opportunities based on their involvement in a reality show such as spin off shows, magazine spreads and event hosting jobs, to name a few. Prior to the cancellation of Sorority Sisters the Plaintiff, as one of the most noticeable characters on the show, was booked to perform numerous hosting jobs, however, once the show was cancelled all the promoters rescinded there offers to

her to host their events. To reiterate, as a result of the continued public pressure, which was not condemned by DST, VH1 had to prematurely cancel the reality show thereby adversely impacting the Plaintiff's hosting jobs and professional opportunities.

28. Following the cancellation of Sorority Sisters and the Plaintiff being expelled for no cause and without explanation from the sorority she dearly loved and dedicated her life to for 6 years, the Plaintiff became a pariah and continues to feel humiliated and struggles with depression.

29. The Plaintiff, who merely appeared in a reality show, which depicted members of DST performing community service, starting their own businesses and reconciling in a civilized manner after a disagreement, still faced the most severe punishment of expulsion without cause or notice. Although, pursuant to Article XII section 4 of the DST Constitution and Bylaws, members involved in life threatening acts such as hazing practices are only subject to suspensions and fines. (See Exhibit "A")

30. Hence, this discrepancy in penalties for the two acts described above is a clear indication that DST caved to the public pressure of social media and in turn failed to follow its own rules and regulations. To date, the Plaintiff is not aware of which section of the sororities Constitution and Bylaws or the sororities Rules and Regulations she has violated in order to be subject to DST's most severe punishment of expulsion.

VIOLATIONS AND CLAIMS ALLEGED

COUNT I DEFAMATION

31. Plaintiff re-pleads and re-alleges Paragraphs 1 through 30 as if set forth separately and at length herein.

32. That by announcing Plaintiff's expulsion on the DST official website on the organization's Founders Day, wherein the notification was accessible to every active member throughout the world, as well as the general public on social media, without notifying the Plaintiff of said expulsion or any Disciplinary action against her to date.

33. That Defendants knowingly and willingly published a false and defamatory statement against the Plaintiff when Defendant knew or should have known that the statement was untrue.

34. That Defendant knew the act of publishing the Plaintiff's expulsion on the DST official website for allegedly engaging some form of misconduct on the reality show Sorority Sisters or simply acquiescing to the demands of the "cyber lynch mob" made up of members of DST on social media, would have a more damaging impact on the Plaintiff's credibility and reputation and further the adverse impact on other reports of misconduct members of DST on social media might offer.

35. That Plaintiff was made a pariah and suffered irreparable damage to Plaintiff's character, repute and standing in the community of DST, and the community as a whole, the loss of respect of her peers, the loss of enjoyment of Delta Sigma Theta's sisterhood, facilities, privileges, advantages, and accommodations, as well as mental anguish as a result of DST's actions.

COUNT II
BREACH OF FIDUCIARY DUTY

36. Plaintiff re-pleads and re-alleges Paragraphs 1 through 35 as if set forth separately and at length herein.

37. That the investigation, if any, conducted by DST and those under its jurisdiction prior to expelling the Plaintiff was grossly negligent, applied faulty investigative procedures, made baseless conclusory statements, and failed to comply with Delta Sigma Theta policies and/or requirements throughout the entire investigative and disciplinary process as applied to the Plaintiff.

38. That Defendant failed to provide written reasons for the expulsion, in violation of Article XII Section 5 of Delta Sigma Theta's Constitution and Bylaws.

39. That Delta Sigma Theta permitted the expulsion of the Plaintiff for merely participating in the reality show Sorority Sisters without due process required in the policies and procedures outlined in the Delta Sigma Theta Constitution and Bylaws.

40. That Defendant had a duty to Plaintiff to abide by its Constitution and Bylaws and other governing documents which Defendant had a duty to embrace and protect. Such relation, as established in the governing documents, are much more than contracts. They establish fiduciary relations to and among the Delta Sigma Theta Sorority, Inc. community.

41. That Defendant's officers and directors breached the fiduciary duty towards the Plaintiff.

42. As a result of said breach, Plaintiff suffered damage to Plaintiffs reputation and standing in the Delta Sigma Theta community and the community at large, the loss of enjoyment of Delta Sigma Theta's goods, services, facilities, privileges, advantages and accommodations, as well as severe mental anguish as a result of Delta Sigma Theta's actions.

COUNT III
NEGLIGENCE

43. Plaintiff re-pleads and re-alleges Paragraphs 1 through 42 as if set forth separately and at length herein.

44. That the governing documents of the Defendant Delta Sigma Theta Sorority, Inc. imposes upon the Defendant a mandatory duty to assure the Plaintiff's appeal of her expulsion as a member of DST.

45. That Defendant failed to formally notify the Plaintiff of her expulsion from DST and further failed to grant her a right to appeal in accordance with the traditions and precedents of the organization, and failed to meet the common law concepts of fundamental "procedural fairness".

46. That Plaintiff contends the Defendant breached a duty to Plaintiff and constituted negligent conduct.

47. As a result of said negligence, Plaintiff suffered damage to Plaintiff's reputation and standing in the Delta Sigma Theta community and the community at large, the loss of enjoyment of Delta Sigma Theta's goods, services, facilities, privileges, advantages and accommodations, as well as severe mental anguish as a result of Delta Sigma Theta's actions.

COUNT IV
BREACH OF CONTRACT

48. Plaintiff re-pleads and re-alleges Paragraphs 1 through 47 as if fully set forth separately and at length herein.

49. That the Bylaws and rules of a membership organization establish a contractual agreement between the organization and its members.

50. That Defendant breached the contract with Plaintiff under Delta Sigma Theta's Constitution and Bylaws by failing to give the Plaintiff written notice of the charges, DST's action and the reason leading to her expulsion.

51. That according to Delta Sigma Theta's Constitution and Bylaws:

"Upon suspension, probation, imposition of fine or any other sanction, or reimbursement, individuals or chapters shall be given written notice of charges, the Sorority's action and the reason therefore. Within 30 days of receipt of the notice, the individual or chapter may appeal at her or its own expense to the following, in accordance with the appeals procedures:

1. to Scholarship and Standards Committee,
2. to the National Executive Board,
3. to the Executive Session of the National Convention." (DST Const. & Bylaws §5)

52. That as a direct and proximate cause of the Defendant's breach, Plaintiff is suffering and will continue to suffer irreparable harm and mental anguish in as much as she will never again be a member of Delta Sigma Theta, or again be able to share that particular bond of sorority she once enjoyed and worked hard to attain.

COUNT V
ULTRA VIRES ACT

53. Plaintiff re-pleads and re-alleges Paragraphs 1 through 52 as if fully set forth separately and at length herein.

54. That the Plaintiff funded DST by paying dues, and worked for DST in compliance with its Constitution and Bylaws, she now complains that DST has failed to follow its Constitution and Bylaws as it relates to §5.

55. That as an active and financial member of DST, Plaintiff had a direct personal interest in enjoying the full benefits and privileges conferred by the organization.

56. That DST committed an ultra vires act when it failed to honor section 5 of its Constitution and Bylaws; members, upon suspension, probation, imposition of a fine or any other sanction, or reimbursement, individuals or chapters shall be given written notice of charges, the Sorority's action and the reason therefore. (See Constitution & Bylaws §5(A))

57. That as a direct and proximate cause of Defendants failing to follow the dictates of its Constitution and Bylaws, Plaintiff suffered irreparable harm and mental anguish by not having the rights afforded to members of the organization honored and upheld with respect to her expulsion.

COUNT VI
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

58. Plaintiff re-pleads and re-alleges Paragraphs 1 through 57 as if fully set forth separately and at length herein.

59. That the Defendant expelled the Plaintiff from the sorority that she was a dues paying member of for six (6) years, and which she adored, for participating in a reality show.

60. That the Defendant expelled the Plaintiff without notifying the Plaintiff of said expulsion or providing notification of the specific violations allegedly committed by the Plaintiff, however, posted the Defendant's expulsion on the DST official website on the organization's Founders Day, wherein said post was accessible to every active member throughout the world, as well as the general public on social media.

61. That Defendant's failure to notify Plaintiff, yet, to post Plaintiff's expulsion on the DST official website on the organization's honored and cherished Founder's Day, constitutes extreme and outrageous conduct.

62. That the above Defendant intended by their extreme and outrageous conduct to cause the distress and suffering of Plaintiff or knew that such conduct would cause Plaintiff distress and suffering.

63. As a result of the extreme and outrageous conduct of Defendant, Plaintiff has suffered severe emotional distress, mental anguish and has been damaged as herein above alleged.

COUNT VII
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

64. Plaintiff re-pleads and re-alleges Paragraphs 1 through 63 as if fully set forth separately and at length herein.

65. That the Defendant negligently expelled the Plaintiff from the sorority that she was a dues paying member of for six (6) years, and which she adored, for participating in a reality show.

66. That the Defendant negligently expelled the Plaintiff without notifying the Plaintiff of said expulsion or providing notification of the specific violations allegedly committed by the Plaintiff, however, posted the Defendant's expulsion on the DST official website on the organization's Founders Day, wherein said post was accessible to every active member throughout the world, as well as the general public on social media.

67. That Defendant's failure to notify Plaintiff, yet, to post Plaintiff's expulsion on the DST official website on the organization's honored and cherished Founder's Day, constitutes negligent and careless conduct.

68. That as result of the above Defendant's negligent and careless conduct the Plaintiff suffers mental and emotional distress, mental anguish and has been damaged as herein above alleged.

JURY TRIAL

69. Plaintiff demands a trial by jury of all issues in this action that are triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

A. Enter a declaratory judgment that the acts and practices Defendant sorority, complained of herein, are in violation of the Constitution and Bylaws, Code of Conduct of Delta Sigma Theta Sorority, Inc.

B. Award Plaintiff actual, compensatory and punitive damages;

C. Award Plaintiff an amount to be determined at trial as compensation for humiliation, embarrassment, loss of reputation, and loss of self-esteem.

D. Award Plaintiff an amount to be determined at trial as compensation for medical fees related to the mental anguish and post traumatic depression suffered by Plaintiff due to Defendant's actions.

E. That this Court award Plaintiff reasonable attorney's fees and the costs of this action.

Dated: New York, New York
January 8, 2018

LAW OFFICE OF HERANDEZ M.
RHAU, P.C.
Attorney for Plaintiff

/s/ Hernandez M. Rhau
Hernandez M. Rhau, Esq.
22 Cortlandt Street, 16th Floor
New York, New York 10007
Tel: 1-(212)-235-1681
Fax: 1-(212)-504-7928
HR1906

TO DEFENDANT:

Delta Sigma Theta Sorority, Inc.
1707 New Hampshire Avenue, NW
Washington, DC 20009

Laura M.K. Hassler, Esq.
Law Office of Eccleston and Wolf, P.C.
Attorneys for Defendant
1629 K Street, N.W.
Suite 260
Washington, D.C. 20006

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Civil Action No.:

=====

PRIYANKA BANKS,

Plaintiff,

-against-

DELTA SIGMA THETA SORORITY, INC.,

Defendant.

=====

SUMMONS IN A CIVIL ACTION AND VERIFIED COMPLAINT

=====

LAW OFFICE OF HERNANDEZ M. RHAU, P.C.

Attorney for Plaintiff

PRIYANKA BANKS

22 Cortlandt Street, 16th Floor

New York, New York 10007

T: (212) 235-1681 F: (212) 504-7928

=====

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certified that upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned there from and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated: January 8, 2018

New York, New York

Signature: *HernandezRhou*

Print Signer's Name: HERNANDEZ M. RHAU, ESQ.