

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT IN AND
FOR LEON COUNTY, FLORIDA

CASE NO.

THOMAS COFFEY and SANDRA
COFFEY, as Personal Representatives of the
Estate of Andrew Coffey, deceased,

Plaintiffs,

v.

PI KAPPA PHI FRATERNITY, INC.;
BETA ETA REAL ESTATE, INC.; BETA
ETA HOUSE CORPORATION INC., OF
TALLAHASSEE FLORIDA; CONNER R.
RAVELO; ANTHONY PETAGINE; LUKE
E. KLUTTZ; KYLE J. BAUER; BRETT A.
BIRMINGHAM; CLAYTON M.
MUEHLSTEIN; ANTHONY J.
OPPENHEIMER; JOHN B. RAY;
CHRISTOPHER M. HAMLIN; D. CRAIG
FILAR; RICHARD GUILÉ and THOMAS
ROHRLACK,

Defendants.

COMPLAINT

The Plaintiffs, THOMAS COFFEY and SANDRA COFFEY, as Personal Representatives of the Estate of Andrew Coffey, deceased, sue the Defendants, PI KAPPA PHI FRATERNITY, INC.; BETA ETA REAL ESTATE, INC.; BETA ETA HOUSE CORPORATION INC., OF TALLAHASSEE FLORIDA; CONNER R. RAVÉLO; ANTHONY PETAGINE; LUKE E. KLUTTZ; KYLE J. BAUER; BRETT A. BIRMINGHAM; CLAYTON M. MUEHLSTEIN; ANTHONY J. OPPENHEIMER; JOHN B. RAY; CHRISTOPHER M. HAMLIN; D. CRAIG FILAR; RICHARD GUILÉ and THOMAS ROHRLACK, and allege as follows:

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1. This is an action for damages in excess of \$15,000 exclusive of interest and costs.
2. At all times material hereto, the Plaintiffs are or soon will be the duly appointed personal representatives of the estate of Andrew Coffey, their deceased 20-year-old son.
3. At all times material hereto, the Defendant, PI KAPPA PHI FRATERNITY, INC. (“PI KAPPA PHI”) was and is a foreign corporation doing business in Leon County, Florida.
4. At all times material hereto, the Defendant, PI KAPPA PHI does or did business in Leon County, Florida through the promotion of their fraternity including controlling the operations and/or management of the Pi Kappa Phi, Beta Eta chapter, on the campus of Florida State University which included, but was not limited to, controlling the recruitment of new members, known as “pledges;” controlling the operation and management of the pledging process and controlling the manner in which the traditions of the fraternity were celebrated.
5. Pursuant to Fla. Stat. 48.193, PI KAPPA PHI is subject to the jurisdiction of this court because:
 - a. PI KAPPA PHI had, at all times material hereto, through its agents, officers and representatives, operated, conducted, engaged in and carried on a business venture or agency in the State of Florida by distributing, marketing, promoting and advertising the PI KAPPA PHI fraternity in Florida and establishing chapters of the fraternity in the State of Florida.
 - b. PI KAPPA PHI has caused injuries to the Plaintiffs within Florida which arose out of its acts or omissions outside of Florida during which time this Defendant was engaged in solicitation or service activities within the State of Florida through its

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agents, officers and representatives who were operating, conducting, engaging in and carrying on the business of the fraternity including the perpetuation of its pledge recruiting process and the perpetuation of its traditions, activities and events that take place in the State of Florida. With each new pledge and new fraternity member that could be recruited, PI KAPPA PHI would receive additional income that would then pay for the operations of the national fraternity, headquartered in Charlotte, North Carolina.

- c. PI KAPPA PHI has engaged in substantial and not isolated activities within Florida by establishing fraternity chapters at Florida State University, the University of Florida, the University of Miami, Florida Southern College, the University of South Florida, the University of Central Florida, Florida International University, Florida Gulf Coast University and Florida Atlantic University and/or has entered into contracts in the State of Florida.
 - d. PI KAPPA PHI engages in or carries on a business venture in Florida but, does not have a registered agent and/or registered office in the State of Florida.
6. At all times material hereto, BETA ETA REAL ESTATE, INC. was and is a Florida corporation with its principal place of business at 423 West College Avenue, Tallahassee, Florida.
 7. At all times material hereto, BETA ETA REAL ESTATE, INC. was and/or is the owner of the Pi Kappa Phi, Beta Eta chapter, fraternity house located or formerly located at 423 West College Avenue in Tallahassee, Florida, and had the authority and/or ability to control the activities that occurred at the fraternity house in November 2017.

8. At all times material hereto, BETA ETA HOUSE CORPORATION INC., OF TALLAHASSEE FLORIDA was and is a Florida corporation with its principal place of business at 423 West College Avenue, Tallahassee, Florida.

9. At all times material hereto, BETA ETA HOUSE CORPORATION INC., OF TALLAHASSEE FLORIDA was and/or is responsible for the stewardship and management of the fraternity house located or formerly located at 423 West College Avenue in Tallahassee, Florida, and had the authority and/or ability to control the activities that occurred at the fraternity house in November 2017.

10. At all times material hereto, CONNER RAVELO (“RAVELO”) was and is a resident of the State of Florida.

11. At all times material hereto, ANTHONY PETAGINE (“PETAGINE”) was and is a resident of the State of New York and/or the State of Florida.

12. At all times material hereto, JOHN B. RAY (“RAY”) was and is a resident of the State of Florida.

13. At all times material hereto, LUKE E. KLUTTZ (“KLUTTZ”) was and is a resident of the State of Maryland and/or the State of Florida.

14. At all times material hereto, ANTHONY J. OPPENHEIMER (“OPPENHEIMER”) was and is a resident of the State of Florida.

15. At all times material hereto, BRETT A. BIRMINGHAM (“BIRMINGHAM”) was and is a resident of the State of Florida.

16. At all times material hereto, CHRISTOPHER M. HAMLIN (“HAMLIN”) was and is a resident of the State of Florida.

17. At all times material hereto, KYLE J. BAUER (“BAUER”) was and is a resident of the State of Florida.

18. At all times material hereto, CLAYTON M. MUEHLSTEIN (“MUEHLSTEIN”) was and is a resident of the State of Florida.

19. At all times material hereto, D. CRAIG FILAR (“FILAR”) was and is a resident of the State of Florida.

20. At all times material hereto, RICHARD GUILLE (“GUILLE”) was and is a resident of the State of Florida.

21. At all times material hereto, THOMAS ROHRLACK (“ROHRLACK”) was and is a resident of the State of Florida.

22. The Plaintiffs bring this action in their capacity as Personal Representatives of the Estate of Andrew Coffey and seek the following damages:

- a. On behalf of Sandra Coffey, individually, as the surviving mother of Andrew Coffey, compensation for her mental pain and suffering caused by the death of her son.
- b. On behalf of Thomas Coffey, individually, as surviving father of Andrew Coffey, compensation for his mental pain and suffering caused by the death of his son.
- c. On behalf of the estate, loss of prospective net accumulations which might reasonably have been expected but for the wrongful death, reduced to present value.

d. Medical expenses.

e. Funeral expenses.

23. This case arises from the death of Andrew Coffey by acute alcohol poisoning on November 3, 2017.

24. At the time of his death, Andrew Coffey (“Andrew”) was a pledge at the Pi Kappa Phi fraternity, Beta Eta chapter (“BETA ETA”), at Florida State University.

25. At all times material hereto, the Beta Eta chapter had an Executive Council that was responsible for the day-to-day operations of the fraternity including overseeing, managing and directing the events and traditions that would take place at the fraternity and at off campus locations including the events on the evening of November 2, 2017 and early morning hours of November 3, 2017 that led to the death of Andrew Coffey.

26. The Executive Council at that time (the Fraternity’s “LEADERSHIP”) was comprised of the following officers:

- a. Anthony Petagine – Chapter president
- b. John “Jack” Ray – Vice president
- c. Anthony J. Oppenheimer – Treasurer
- d. Clayton M. Muehlstein – Secretary
- e. Luke E. Kluttz – Warden
- f. Kyle J. Bauer – Pledge Master
- g. Brett A. Birmingham – Marshall
- h. Christopher M. Hamlin - Marshall

27. Other fraternity members who served in a leadership capacity with respect to the events of November 2, 2017 – November 3, 2017 that led to the death of Andrew Coffey include Conner R. Ravelo, who was Andrew's "Big Brother."

28. At all times material hereto, D. CRAIG FILAR was acting as the chapter adviser for Pi Kappa Phi, Beta Eta chapter, in his individual capacity and not as an employee of Florida State University.

29. At all times material hereto, GUILÉ and ROHRLACK rented, leased, and/or otherwise had control over the premises located at 1012 Buena Vista Drive, Tallahassee, Florida, on November 2, 2017 through November 3, 2017, where Andrew Coffey died.

30. Andrew graduated from Pompano High School in Pompano, Florida in 2015. While in high school he was captain of the swim team and spent four years in the Reserve Officers' Training Corps (R.O.T.C.) program to prepare for joining the United States Navy upon graduation from college.

31. Andrew spent his first two years of college at Tallahassee Community College and then applied and was accepted at Florida State University to begin his junior year of college in August, 2017.

32. Andrew had only been at Florida State University for a short time when he began to consider joining a fraternity. He was, by nature, a "team player" and had enjoyed the camaraderie of his swim team and fellow R.O.T.C. members in high school and believed that a fraternity would give him similar experiences at Florida State University if he could get accepted.

33. Andrew had no particular knowledge of any fraternity and began to try to learn more about the various fraternities that had a chapter at Florida State University after he enrolled as a student.

34. During the course of that time period he spoke to his parents, with whom he had a very close relationship, about the possibility of pledging a fraternity and they told him he could do it as long as he maintained good grades.

35. Thomas Coffey had never been a member of a fraternity and had never been through the pledge experience.

36. Sandra Coffey had never been a member of a sorority and had never been through the pledge experience.

37. Andrew Coffey ultimately decided to pledge PI KAPPA PHI fraternity and he was welcomed “on (his) journey to brotherhood”, in an emailed letter, by Pi Kappa Phi Fraternity, Inc. Chief Executive Officer, Mark E. Timmes, who closed by saying, “I look forward to the day when I can say ‘Welcome, brother.’”

38. PI KAPPA PHI, which was founded in 1904, is a fraternity that promotes itself by endorsing all of the qualities and attributes that any pledge or parent of a pledge would want to see in a fraternity:

- a. “Exceptional leaders. Uncommon opportunities.”
- b. “Leadership is the very root of our organization, and it is the concept of leadership that shall guide us to our future.”

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- c. "To create an uncommon and lifelong brotherhood that develops leaders and encourages service to others for the betterment of our communities."
- d. "Our Vision: A future where every Pi Kappa Phi embraces his role as a leader, puts service before self and improves the world around him."
- e. "Student Creed Values: Common Loyalty, Personal Responsibility, Achievement, Accountability, Campus Involvement, Responsible Citizenship, Lifelong Commitment."
- f. "The Creed" of PI KAPPA PHI promoted similar virtues:

"I believe that the ideal chapter is made up of men.

Who are bound together in a common loyalty which transcends any personal selfishness;

Who realize that membership means personal responsibility in bearing their share of the financial burden of the chapter and the national organization;

Who bring credit to the fraternity by striving to attain the highest possible standards of scholarship;

Who safeguard the reputation of their chapter by keeping careful watch over their personal conduct;

Who uphold faithfully the traditions and activities of their college;

Who prepare themselves diligently to shoulder their full responsibility as citizens.

I believe that my chapter can become the ideal chapter, and I shall do my share to make it so."

39. In addition, PI KAPPA PHI supposedly had a strict policy against hazing and alcohol abuse:

Where We Stand on Alcohol Abuse

“...The Supreme Chapter and the National Council of Pi Kappa Phi Fraternity, acting out of concern for the safety and well-being of our members, therefore oppose alcohol abuse by members of the fraternity, regardless of whether the behavior occurs at a fraternity event.”

“Pi Kappa Phi defines alcohol abuse as the type of overuse that causes irresponsible behavior, a dangerous loss of reaction time, physical illness and damage to personal relationships...”

“Through education, training and mature adult guidance, Pi Kappa Phi provides the tools to help students make good choices and to understand the consequences of their choices.”

Where We Stand on Hazing

“The Supreme Chapter and the National Council of Pi Kappa Phi Fraternity unequivocally oppose all acts of hazing. The national fraternity as well as most universities and states, define hazing as any action taken or situation created, intentionally, whether on or off fraternity premises, to produce mental or physical discomfort, embarrassment, harassment or ridicule, regardless of a person’s willingness to participate... Additionally, members of the Fraternity are expected to hold each other accountable to our shared standards.”

40. The reality of Pi Kappa Phi Fraternity Inc., acting through its own employees, including the members and chapter adviser of the Beta Eta chapter at Florida State University, who at all material times were acting as employees, agents, apparent agents, representatives and/or members of PI KAPPA PHI, was very different from its carefully crafted public image.

41. In reality, Pi Kappa Phi, Beta Eta members, had been hazing and having pledges abuse alcohol for years and this was known and/or should have been known by each of the defendants. Prior events would include, but not be limited to, extreme drinking at the annual “Big Brother” night which, in the past, had taken place at the chapter house and at 1012 Buena Vista Drive; heavy drinking at tailgate parties; the organization of various drinking games at the fraternity house; taping of a bottle of alcohol to a pledge’s hand in a ritual known as “Edward forty-hand”; pouring alcohol down the throat of a pledge in a ritual known as a “haircut,” etc. Continuing with these illegal acts was a tradition for this fraternity that its members were determined to perpetuate in October and November, 2017 despite the fact that all of the pledges and many of the fraternity members were under the legal drinking age of 21.

42. On the evening of November 1, 2017 – two nights before Andrew Coffey died – the pledge class was ordered to the fraternity house for “Reveal Night;” a tradition where each pledge met his “Big Brother” for the first time. As part of the reveal, each pledge was blindfolded in the “war room” of the fraternity and required to hold a 5 pound brick for a prolonged period of time without dropping it. As Andrew Coffey and the others did as they were told to do they could hear the leadership of the fraternity paddling people. The purpose of the paddling was to let the pledges

believe that if they did not follow orders or were otherwise non-compliant, they too would be paddled as well as yelled at, belittled with insults and made fun of.

43. Other acts of illegal hazing that Andrew Coffey and his fellow pledges were subjected to in the lead-up to his death included “quartering.” In addition to having to carry a 5 pound brick with them at all times, the pledges were required to carry a quarter as well. The quarters were used as part of a perverted test or “disciplinary” procedure where the pledge would be ordered to stand and push the quarter against a wall using only his nose. If the quarter fell, the pledge would have to start over or would otherwise be disciplined or called “creep dick.” This process could go on for hours at a time and was humiliating, demeaning and physically and mentally exhausting.

44. “Big Brother” night was PI KAPPA PHI’s pre-eminent drinking tradition. It was a hazing ritual that was planned each year by the leadership of the fraternity and which had, as its primary purpose, having each pledge drink overwhelming amounts of alcohol to the point of extreme intoxication.

45. The LEADERSHIP, which had previously imposed a “liquor ban” for all pledge events because of alcohol abuse by Andrew’s pledge class, changed its tune for this event. As the LEADERSHIP and members knew, it would not be “Big Brother” night without extreme drinking. As a result, the LEADERSHIP made the decision that the liquor ban would be “lifted” for the night. That fateful and illegal decision ensured that the pledges would receive and consume vast amounts of alcohol.

46. Andrew Coffey’s “Big Brother” night began at approximately 10:30 p.m. on November 2, 2017 at the Pi Kappa Phi, Beta Eta fraternity house, where he had been ordered to

appear with the other pledges. LEADERSHIP notified the pledges of the start time on a social media app called “Group Me” which used the group name “Assume the Position”. At the fraternity house, Andrew was given two bottles of Smirnoff Ice, an alcoholic beverage which was just a warm-up for what was to come. With fraternity members watching, Andrew did what so many pledges had done before him: he got “iced” by drinking both bottles and then waited to be told what to do next.

47. Thereafter, the gathered group of fraternity members and pledges moved to an off-campus house at 1012 Buena Vista Drive, Tallahassee, Florida, that was well-known to the LEADERSHIP, to FILAR and to members of Pi Kappa Phi, Beta Eta. The off-campus house had been rented by PI KAPPA PHI members in the past and had served as the off-campus location for at least one prior “Big Brother” night. Richard Guile and Thomas Rohrlack, PI KAPPA PHI fraternity members who lived at the house, gave their permission for the event to be held there despite knowing that excessive amounts of alcohol would be illegally provided to the pledges once they arrived and they were in attendance for much of the evening witnessing and participating in the events.

48. With full knowledge of the extreme drinking that was to occur that night, LEADERSHIP encouraged the pledges and members to take ride sharing services to the off-campus house so they would not have to drive drunk when the event was over.

49. Andrew Coffey arrived at the house with RAVELO, his “Big Brother”, at approximately 11:15 p.m.

50. At the direction of the fraternity's leadership, and with the full cooperation of GUILLE and ROHRLACK, the off-campus house was prepared and ready for the group's arrival with cases of beer waiting for them along with mixers, cups and ice. The bottles of hard liquor, of which there would eventually be several dozen, would be brought by the "Big Brothers" when they arrived.

51. The bottle of liquor selected by each "Big Brother" for his "little" was by no means haphazard or random. To the contrary, the choice was pre-determined by the long tradition of the Pi Kappa Phi fraternity which required each "Big Brother" to present his assigned pledge or "little" with the same type of liquor that he had received when he went through "Big Brother" night. That brand was known as the "family bottle" or "family drink" for the Big Brother and his predecessors and was now the "family bottle" or "family drink" for his "little" as well. And, as a part of this tradition, the pledge was expected to drink all of it.

52. The family bottle for RAVELO's lineage in the fraternity was a 750ml bottle of 101 proof "Wild Turkey" bourbon, a particularly potent bottle of liquor because of its extraordinarily high alcohol content.

53. RAVELO, who himself was not of legal drinking age, bought the 750ml bottle of 101 proof "Wild Turkey" for Andrew at a local liquor store by illegally using someone else's identification.

54. RAVELO gave the 750ml bottle of 101 proof "Wild Turkey" to Andrew Coffey, his "little brother," just as all of the other pledges in the house that night were receiving their "family" bottles from their "Big Brothers".

55. Thereafter, in keeping with what Pi Kappa Phi chapters had done for many years in the past, the drinking of the bottles began and PI KAPPA PHI's time-honored tradition of getting the pledges as drunk as possible was continued.

56. In keeping with the fraternity's tradition, and determined to become a member of PI KAPPA PHI, Andrew Coffey drank the entire bottle that was given to him. He did so because of the peer pressure that was brought to bear on him to do so; by the stories that had been told to him throughout the pledging process about this tradition of the fraternity; by the fact that the fraternity brothers claimed they had gone through the same experience when they were pledges and told him what was expected of him; by the fact that he did not want to be ridiculed, embarrassed or humiliated if he did not drink his "family bottle," and because of the extreme drinking that was going on all around him just as the leadership of the fraternity had planned for and expected.

57. Not surprisingly, it was not long before Andrew exhibited all of the signs and symptoms of extreme intoxication: his speech was slurred, he could not walk, he had difficulty standing, he was swaying once placed in a chair with his eyes rolling back in his head and he was about to get sick. As a result, RAVELO draped Andrew over his back and carried him out of the house to the backyard where he proceeded to vomit. RAVELO had to hold Andrew up to prevent him from falling down and then, when the vomiting stopped, he carried Andrew to the porch and put him on a futon. Andrew ended up laying on his stomach with his head turned to the side; his mouth was open, he was drooling and he was snoring. Ricardo Munoz, another pledge, tried to wake him but Andrew was unresponsive, could not speak and would only moan. Munoz asked RAVELO if Andrew was O.K. and RAVELO replied that he believed he was O.K. and that a group

was monitoring him. RAVELO and the group were wrong. Andrew was not O.K. Within hours he would be dead.

58. The extreme drinking of “Big Brother” night was totally out of control that evening and the leadership of the fraternity, along with GUILLE and ROHRLACK, not only knew this would happen but collectively made the arrangements so that it could and would happen.

59. Andrew was one of many who drank to excess that night. Extreme intoxication was common and it was what the pledges were supposed to do. As the pledges were cheered on to go “bottles up” (drinking every last drop in the bottle) they did so to prove they belonged, to prove that this pledge class had what it takes to be PI KAPPA PHI members, to impress their “Big Brother” and leadership and to gain admission into the fraternity by continuing this fraternity tradition.

60. Later, as “Big Brother” night was winding down, RAVELO, KLUTTZ, GUILLE, and possibly other fraternity members, carried Andrew from the futon on the porch and placed him on a couch in the living room of the house. He was still snoring loudly and was clearly alive but his body was struggling to metabolize the overwhelming amount of 101 proof alcohol that had been purchased and given to him.

61. Incredibly, no one in LEADERSHIP and none of the so-called “brothers” did anything further to help Andrew before it was too late. No one called ‘911’ to ask for advice or to summon the paramedics, no one called the police to ask for help and no one attempted to take him to the hospital. Instead, everyone drifted away and Andrew was eventually left all alone in a dark room surrounded by empty liquor and beer bottles, empty cups and vomit. Sometime in the night

his heart stopped and he died, laying on his side, with no one paying any attention to him, no one helping him and no one expressing the slightest concern for his extreme intoxication.

62. The following morning Joshua Schwartz, a pledge who spent the night at the house where the “Big Brother” event took place, awoke at approximately 10:00 a.m. and saw Andrew Coffey still on the couch where he had been placed the night before. Andrew was alone, having been abandoned by RAVELO and the LEADERSHIP of the fraternity and everyone else who was there that night. He had vomit on his face, his lips were blue and he was unresponsive. Schwartz, in a panic, called and texted fraternity members about Andrew’s condition before calling 911 eleven (11) minutes later, but it was too late. Andrew was dead.

63. Andrew Coffey mistakenly believed that joining PI KAPPA PHI would give him lifetime relationships that would benefit him personally and professionally. He was a team player who looked forward to the camaraderie that he thought he would experience as a member of the fraternity. To achieve that, however, he believed he had to prove he could be “one of them” and, as a result, he succumbed to the peer pressure and the allure of PI KAPPA PHI with its illegal and dangerous traditions and rituals. The defendants knew, or should have known, of the power of their peer pressure and knew, or should have known, that it had been successful in the past in getting young men like Andrew Coffey to do things that they would otherwise never have done.

64. An autopsy conducted by the Leon County Medical Examiner subsequently determined that Andrew Coffey died from alcohol poisoning. His peak vitreous alcohol level was estimated to have been .558 g/dL and his blood alcohol level was determined to be .447 g/dL.

65. The LEADERSHIP, which had carefully planned the events of this annual tradition and provided the alcohol for the pledges to consume, knew with one hundred percent (100%) certainty that pledges would drink to excess at this event and get very intoxicated. That is what this annual tradition was all about. In anticipation of this, the LEADERSHIP let the “brothers” know that it was their responsibility to care for the intoxicated pledges later in the evening. The brothers in attendance knew this and agreed to undertake this responsibility. Nevertheless, despite agreeing to do so, none of the fraternity members present that evening did anything to help Andrew other than to place him on a futon and then on a couch with a bucket near him to catch his vomit.

66. Two fraternity members – OPPENHEIMER and KLUTTZ – had specifically informed the pledges that they were not going to drink that night; that they would remain sober to monitor events in order to make sure that no one drank to excess and to ensure that they would be properly cared for if they became intoxicated. Both OPPENHEIMER and KLUTTZ failed miserably at the job they had agreed to undertake. By the time the 2017 “Big Brother” tradition was over, more than a dozen pledges had vomited due to excessive alcohol consumption, an unknown number had blacked out and empty liquor and beer bottles littered the house and the yard.

67. D. CRAIG FILAR, who had voluntarily undertaken the responsibility of serving as the “chapter adviser” for Beta Eta, knew or should have known that “Big Brother” night was nothing but an extreme drinking event yet he did nothing to stop the tradition, which was one of his responsibilities. He was to be part of the “mature adult guidance” that PI KAPPA PHI claimed to have provided to the chapters to prevent alcohol abuse; but, like the other defendants, he failed to do his job.

68. At all times material hereto, PI KAPPA PHI, exercised significant and ongoing control over Pi Kappa Phi, Beta Eta and its members, including but not limited to the following:

- a. Issuing a charter to the Beta Eta chapter that authorized the chapter to do business as “Pi Kappa Phi, Beta Eta.”
- b. Requiring the leadership of Beta Eta to attend training sessions at the national headquarters or some other venue where the operational standards and expectations for a local chapter like Beta Eta were reviewed and mandated.
- c. Sending a letter to each PI KAPPA PHI pledge on letterhead of the national fraternity giving them information about the national organization.
- d. Publishing the White Diamond book where the history and protocols for the fraternity were set forth in detail and requiring that each chapter member and pledge read it and be familiar with it.
- e. Requiring that the PI KAPPA PHI chapter at Florida State University be known as “Pi Kappa Phi, Beta Eta.”
- f. Requiring that the logo and official colors of PI KAPPA PHI be used at the local chapter house and on various publications, banners and paraphernalia of the local chapter.
- g. Requiring that the local chapter meet with its members at least once a year to explain to the members the rules, regulations and policies promulgated by PI KAPPA PHI.
- h. Requiring that the local chapter and its members comply with the official pledge protocols adopted and published by PI KAPPA PHI.

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- i. Requiring that the local chapter and its members comply with the official anti-hazing policies of PI KAPPA PHI.
 - j. Requiring that the local chapter and its members comply with the alcohol abuse policies of PI KAPPA PHI.
69. At all times material hereto, PI KAPPA PHI had a “special relationship” with each of the following defendants that gave rise to PI KAPPA PHI’s duty to control the conduct of these individuals:

- a. Conner R. Ravelo;
- b. Anthony Petagine;
- c. Luke E. Kluttz;
- d. Kyle J. Bauer;
- e. Brett A. Birmingham;
- f. Clayton M. Muehlstein;
- g. Anthony J. Oppenheimer;
- h. John B. Ray;
- i. Christopher M. Hamlin;
- j. D. Craig Filar;
- k. Richard Guile; and
- l. Thomas Rohrlack

70. In addition, at all times material hereto, PI KAPPA PHI had a special relationship with Andrew Coffey, as a pledge of the fraternity, which gave rise to a duty on behalf of PI KAPPA PHI to control Andrew's conduct and prevent actions that would result in harm to him.

COUNT I
Negligence - PI KAPPA PHI

71. Plaintiffs reallege and reaver paragraphs 1 through 70 and further allege as follows:

72. At all times material hereto, PI KAPPA PHI had a duty to Andrew Coffey to act in a non-negligent matter.

73. Said defendant breached that duty and was negligent in at least the following respects:

- a. In failing to adequately enforce its anti-hazing policy at the Beta Eta chapter.
- b. In failing to adequately enforce its alcohol abuse policy at the Beta Eta chapter.
- c. In failing to properly train the leadership of the Beta Eta chapter with respect to the anti-hazing policy.
- d. In failing to properly train the leadership on the Beta Eta chapter with respect to the alcohol abuse policy.
- e. In failing to take adequate precautions to ensure that Andrew Coffey and other underaged pledges were not provided alcohol at "Big Brother" night.
- f. In failing to take adequate precautions to ensure that Andrew Coffey and other underaged pledges did not become dangerously intoxicated at "Big Brother" night.

- g. In failing to terminate Beta Eta's "Big Brother" tradition of excessive alcohol consumption and extreme intoxication of the pledges before November 2, 2017.
 - h. In failing to have adequate safety procedures in place to protect Beta Eta pledges from harm in the event that they become intoxicated at "Big Brother" night.
 - i. In failing to require that the Beta Eta chapter adviser be present at "Big Brother" night to provide the "mature adult guidance" that PI KAPPA PHI claimed to provide to its chapters.
 - j. In failing to have revoked Beta Eta's charter in 2016 when the chapter last had extreme drinking at its annual "Big Brother" night.
74. As a direct and proximate result of said negligence, Andrew Coffey died and the Plaintiffs were caused to suffer the damages described above.

COUNT II
Negligence - D. CRAIG FILAR

75. Plaintiffs reallege and reaver paragraphs 1 through 70 and further allege as follows:
76. At all times material hereto, D. CRAIG FILAR, had voluntarily undertaken the responsibility to be the official "chapter adviser" for the Beta Eta chapter.
77. As the chapter adviser, Filar had a duty to provide "mature adult guidance" and act in a non-negligent manner in discharging his chapter adviser duties.
78. Defendant, FILAR, breached that duty and was negligent in at least the following respects:

- a. In failing to ensure that there were procedures in place at the 2017 “Big Brother” night to prevent pledges who were under the age of 21 from being provided alcohol by fraternity members.
 - b. In failing to report Beta Eta to PI KAPPA PHI regarding the chapter’s history of alcohol and hazing abuse including but not limited to, that which occurred at the “Big Brother” night in 2016.
 - c. In failing to attend the 2017 “Big Brother” night to ensure that the event was conducted in a manner that complied with Florida law and the fraternity’s anti-hazing and alcohol abuse policies.
 - d. In failing to provide the “mature adult guidance” at the 2017 “Big Brother” night that he was required to provide as the chapter adviser.
 - e. In failing to put a stop to the chapter’s longstanding alcohol abuse history that was well known to all of the Beta Eta members.
79. As a direct and proximate result of said negligence, Andrew Coffey died and the Plaintiffs were caused to suffer the damages described above.

COUNT III

**Negligence Per Se – Open House Party Statute (Fraternity House) -
PETAGINE, RAY, OPPENHEIMER, MUEHLSTEIN, KLUTTZ, BAUER,
BIRMINGHAM, HAMLIN and RAVELO**

80. Plaintiffs reallege and reaver paragraphs 1 through 70 and further allege as follows:
81. Fla. Statute §856.015 provides that it is a criminal offense for any person “having control of any residence” to allow an open house party to take place at the residence if the person

knows that alcoholic beverages are in the possession of or being consumed by an individual who is not of legal drinking age (21 years old).

82. Defendants, PETAGINE, RAY, OPPENHEIMER, MUEHLSTEIN, KLUTTZ, BAUER, BIRMINGHAM, HAMLIN and RAVELO, as part of the leadership of Pi Kappa Phi, Beta Eta chapter, collectively and individually, made the decision to utilize the PI KAPPA PHI chapter house at 423 West College Avenue, Tallahassee, Florida on November 2, 2017 to begin the “Big Brother” night events. They did so knowing that alcohol would be given to Andrew Coffey on the premises and consumed by Andrew Coffey on the premises, in violation of Fla. Statute §856.015.

83. Andrew Coffey was a member of the class of persons that Fla. Statute §856.015 was intended to protect.

84. Said defendants had the authority and ability to regulate, direct and control what activities took place inside of said house including whether alcohol would be given to Andrew Coffey by virtue of their leadership positions and negligently failed to enact measures to prevent such illegal activities from occurring.

85. As a direct and proximate result of said statutory violation, Andrew Coffey died and the Plaintiffs were caused to suffer the damages described above.

COUNT IV

**Negligence Per Se – Open House Party Statute (Off-Campus House) -
PETAGINE, RAY, OPPENHEIMER, MUEHLSTEIN, KLUTTZ, BAUER,
BIRMINGHAM, HAMLIN and RAVELO**

86. Plaintiffs reallege and reaver paragraphs 1 through 70 and further allege as follows:

87. Fla. Statute §856.015 provides that it is a criminal offense for any person “having control of any residence” to allow an open house party to take place at the residence if the person knows that alcoholic beverages are in the possession of or being consumed by an individual who is not of legal drinking age (21 years old).

88. Defendants, PETAGINE, RAY, OPPENHEIMER, MUEHLSTEIN, KLUTTZ, BAUER, BIRMINGHAM, HAMLIN and RAVELO, as the LEADERSHIP of Pi Kappa Phi, Beta Eta chapter, collectively and individually, made the decision to utilize the off-campus house at 1012 Buena Vista Drive, Tallahassee, Florida for the ongoing activities of “Big Brother” night. Said defendants instructed Andrew Coffey to leave the fraternity house at 423 West College Avenue and go to the off-campus house where they knew that he would be given his “family” bottle and would then consume the bottle in violation of Fla. Statute §856.015.

89. Said defendants had “control” over the off-campus premises as evidenced by the fact that they selected the premises for the activities that evening, directed the pledges and members to be present at those premises at a certain time, controlled the invitation list and designated at least two fraternity members to remain sober to control the expected consumption of alcohol by the underaged pledges and members.

90. Andrew Coffey was a member of the class of persons that Fla. Statute §856.015 was intended to protect.

91. Said defendants had the authority and ability to regulate, direct and control what activities took place inside of said house by virtue of their leadership positions and negligently failed to enact measures to prevent such illegal activities from occurring.

92. As a direct and proximate result of said statutory violation, Andrew Coffey died and the Plaintiffs were caused to suffer the damages described above.

COUNT V
Negligence Per Se – Open House Party Statute (Off-Campus House) -
GUILE and ROHRLACK

93. Plaintiff reallege and reaver paragraphs 1 through 70 and further allege as follows:

94. Defendants, GUILE and ROHRLACK, collectively and individually, made the decision to permit the “Big Brother” night activities to take place at the “off-campus” house where they lived at 1012 Buena Vista Drive, Tallahassee, Florida.

95. Said defendants had “control” over the premises by virtue of the fact that they were the tenants, renters and/or lessees of the premises and had the legal authority to decide who was invited onto the premises and what they were permitted to do once they were there.

96. Both defendants were members of PI KAPPA PHI and knew when they gave their permission for the “Big Brother” night activities to take place there that alcoholic beverages would be in the possession of and/or be consumed by individuals who were under the age of 21 including Andrew Coffey.

97. Both defendants attended the “Big Brother” night event, saw exactly what was happening but made no efforts to stop the activities or tell people to remove the alcohol from the premises.

98. Andrew Coffey was a member of the class of persons that Fla. Statute §856.015 was intended to protect.

99. As a direct and proximate result of said statutory violation, Andrew Coffey died and the Plaintiffs were caused to suffer the damages described above.

COUNT VI
Negligence - KLUTTZ and OPPENHEIMER

100. Plaintiff reallege and reaver paragraphs 1 through 70 and further allege as follows:

101. Defendants, KLUTTZ and OPPENHEIMER, voluntarily undertook the responsibility to supervise the “Big Brother” night to ensure that none of the pledges would be served excessive amounts of alcohol or consume alcohol in excess.

102. Andrew Coffey, along with the other pledges, was specifically advised of this before he began to drink the alcohol that had been provided to him that night.

103. As a result of this voluntary undertaking, said defendants had a duty to act in a non-negligent manner.

104. Said defendants breached that duty and were negligent in at least the following respects:

- a. In failing to ensure that Andrew Coffey was not provided excessive amounts of alcohol.
- b. In failing to ensure that Andrew Coffey did not become intoxicated.
- c. In failing to ensure that Andrew Coffey was provided with timely and appropriate care after it became obvious that he had consumed an excessive amount of 101 proof alcohol and was gravely ill.
- d. In failing to take Andrew Coffey to a hospital or call ‘911’.

105. As a direct and proximate result of said negligence, Andrew Coffey died and the Plaintiffs were caused to suffer the damages described above.

COUNT VII
Negligence – RAVELO

106. Plaintiffs reallege and reaver paragraphs 1 through 70 and further allege as follows:

107. Defendant, RAVELO voluntarily undertook the assignment by the leadership of Beta Eta to be Andrew Coffey’s “Big Brother.”

108. Defendant, RAVELO did so knowing that, if he undertook that responsibility, he would have the duty to properly monitor and supervise Andrew Coffey on “Big Brother” night to ensure that he would not consume alcohol to excess, to ensure that he would not injure himself or die from alcohol consumption and to ensure that he would receive proper medical care if he became ill.

109. Defendant, RAVELO breached that duty and was negligent in at least the following respects:

- a. In failing to properly monitor and supervise Andrew Coffey.
- b. In failing to ensure that Andrew Coffey did not become severely intoxicated.
- c. In failing to ensure that Andrew Coffey was provided with timely and appropriate medical care once it became obvious that he had consumed an excessive amount of 101 proof alcohol and was gravely ill.
- d. In failing to take Andrew Coffey to a hospital or call ‘911’.

110. As a direct and proximate result of said negligence, Andrew Coffey died and the Plaintiffs were caused to suffer the damages described above.

COUNT VIII
Negligence - RAVELO, GUILÉ, and KLUTTZ

111. Plaintiffs reallege and reaver paragraphs 1 through 70 and further allege as follows:

112. During the course of “Big Brother” night, Andrew Coffey became severely intoxicated to the point that he could not speak or walk or care for himself.

113. Defendants, RAVELO, GUILÉ and KLUTTZ recognized that Andrew was severely intoxicated and needed assistance. As a result, they voluntarily undertook the responsibility to render aid and help him by moving him to a futon on the porch and then moving him to the couch inside of the house and ensuring that there was a trash can near his head for when he vomited.

114. By voluntarily undertaking these actions, said defendants had a duty to act in a non-negligent manner. They breached that duty and were negligent in at least the following respects:

- a. In failing to call ‘911’ so that Andrew could be rushed to a hospital or other medical facility to receive proper medical care.
- b. In failing to take Andrew to a hospital or other medical facility so that he could receive proper medical care.

115. As a direct and proximate result of said negligence, Andrew Coffey died and the Plaintiffs were caused to suffer the damages described above.

COUNT IX

Negligence Per Se - Anti-Hazing Statute - RAVELO, PETAGINE, KLUTTZ, BAUER, BIRMINGHAM, MUEHLSTEIN, OPPENHEIMER, RAY, HAMLIN

116. Plaintiffs reallege and reaver paragraphs 1 through 70 and further allege as follows:

117. Florida Statute §1006.63 provides that it is a criminal offense to recklessly commit an act of hazing upon a student who is an applicant to a student organization, including fraternities, such as PI KAPPA PHI.

118. “Hazing” includes any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a postsecondary institution.

119. “Hazing” also includes coercing people to break state or federal law.

120. Andrew Coffey was a member of the class of persons that said statute was intended to protect.

121. Said statute imposed upon Defendants, RAVELO, PETAGINE, KLUTTZ, BAUER, BIRMINGHAM, MUEHLSTEIN, OPPENHEIMER, RAY, HAMLIN, a duty of due care in their actions toward pledges including Andrew Coffey.

122. Said Defendants, breached that duty and were negligent in at least the following respects:

- a. In failing to intervene and stop the tradition of providing alcohol to the pledges at “Big Brother” night.

- b. In failing to take adequate measures to protect the pledges, including Andrew Coffey, who became intoxicated from excessive alcohol consumption.
 - c. In failing to call '911' so that Andrew could be rushed to a hospital or other medical facility to receive proper medical care.
 - d. In failing to take Andrew to a hospital or other medical facility so that he could receive proper medical care.
123. As a direct and proximate result of said negligence, Andrew Coffey died and the Plaintiffs were caused to suffer the damages described above.

COUNT X
Negligence - BETA ETA REAL ESTATE, INC.

124. Plaintiffs reallege and reaver paragraphs 1 through 70 and further allege as follows:
125. BETA ETA REAL ESTATE, INC. purchased and maintained the fraternity house located at 423 West College Avenue, Tallahassee, Florida, for the purpose of housing members of Pi Kappa Phi, Beta Eta, and continuing the perpetuation of its pledge recruiting process and the perpetuation of its traditions, activities and events.
126. At all times material hereto, Andrew Coffey was an invitee of said defendant at the fraternity house located at 423 West College Avenue, Tallahassee, Florida, which was owned by BETA ETA REAL ESTATE, INC.
127. At all times material hereto, BETA ETA REAL ESTATE, INC. had a duty to Andrew Coffey to act in a non-negligent matter and to maintain the property located at 423 West College Avenue in a reasonably safe condition.

128. Said defendant breached that duty and was negligent in at least the following respects:

- a. In failing to ensure the implementation of an adequate anti-hazing policy at the fraternity house.
- b. In failing to ensure the implementation of an adequate alcohol abuse policy at the fraternity house.
- c. In failing to take adequate precautions to ensure that Andrew Coffey and other underaged pledges were not provided alcohol at the fraternity house.

129. As a direct and proximate result of said negligence, Andrew Coffey died and the Plaintiffs were caused to suffer the damages described above.

COUNT XI
Negligence - BETA ETA HOUSE CORPORATION INC., OF TALLAHASSEE FLORIDA

130. Plaintiffs reallege and reaver paragraphs 1 through 70 and further allege as follows:

131. At all times material hereto, BETA ETA HOUSE CORPORATION INC., OF TALLAHASSEE FLORIDA was and/or is responsible for the stewardship and management of the PI KAPPA PHI fraternity house located or formerly located at 423 West College Avenue in Tallahassee, Florida.

132. At all times material hereto, Andrew Coffey was an invitee of said defendant at the fraternity house located at 423 West College Avenue, Tallahassee, Florida, which was managed by BETA ETA HOUSE CORPORATION, INC., OF TALLAHASSEE FLORIDA.

133. At all times material hereto, BETA ETA HOUSE CORPORATION, INC., OF TALLAHASSEE FLORIDA had a duty to Andrew Coffey to act in a non-negligent matter and to maintain the property located at 423 West College Avenue in a reasonably safe condition.

134. Said defendant breached that duty and was negligent in at least the following respects:

- a. In failing to ensure the implementation of an adequate anti-hazing policy at the fraternity house.
- b. In failing to ensure the implementation of an adequate alcohol abuse policy at the fraternity house.
- c. In failing to take adequate precautions to ensure that Andrew Coffey and other underaged pledges were not provided alcohol at the fraternity house.

135. As a direct and proximate result of said negligence, Andrew Coffey died and the Plaintiffs were caused to suffer the damages described above.

COUNT XII
Vicarious Liability - PI KAPPA PHI (Actual Agency)

136. Plaintiffs reallege and reaver paragraphs 1 through 123 and further allege as follows:

137. At all times material hereto, the members and chapter adviser of Pi Kappa Phi, Beta Eta, including the individually named Defendants herein, were actual agents of the Defendant, PI KAPPA PHI.

138. Pi Kappa Phi represented to the pledges, including Andrew Coffey, that the Beta Eta chapter was part of the national PI KAPPA PHI organization and that the pledges were, in fact, applying to become members not just of Beta Eta but of Pi Kappa Phi as well.

139. The members of the Beta Eta chapter accepted the undertaking of acting for PI KAPPA PHI by agreeing to promulgate the rules and regulations of PI KAPPA PHI; by continuing on with the fraternity's traditions; educating and indoctrinating pledges with the history of the fraternity; wearing the required fraternity colors and letters; facilitating payments between the pledges and Beta Eta and between the pledges and PI KAPPA PHI among other things.

140. PI KAPPA PHI exercised significant control over the Beta Eta chapter, as set forth above.

141. At all times material hereto, and during their interactions with Andrew Coffey, the members and chapter adviser of Pi Kappa Phi Beta Eta, including the individually named Defendants herein, were acting in the course and scope of their agency relationship with PI KAPPA PHI.

142. Accordingly, PI KAPPA PHI is vicariously liable for the negligence of the individual defendants named herein.

143. As a direct and proximate result of said negligence, Andrew Coffey died and the Plaintiffs were caused to suffer the damages described above.

COUNT XIII
Vicarious Liability - PI KAPPA PHI (Apparent Agency)

144. Plaintiffs reallege and reaver paragraphs 1 through 123 and further allege as follows:

145. PI KAPPA PHI, through its words and actions, presented and promoted the officers and members of Beta Eta as its apparent agents. It did so in a variety of ways including but not limited to the following:

- a. Sending a letter from the CEO of PI KAPPA PHI that Andrew Coffey, as a pledge of Beta Eta, was “among our ranks.”
- b. Requiring that the leadership of Beta Eta follow and enforce the PI KAPPA PHI anti-hazing policy.
- c. Requiring that the leadership of Beta Eta follow and enforce the PI KAPPA PHI alcohol abuse policy.
- d. Requiring that Beta Eta display the fraternity’s Greek letters on the chapter house.
- e. Requiring that monies be collected from Beta Eta pledges and transmitted to PI KAPPA PHI.
- f. Requiring that Beta Eta leadership attend PI KAPPA PHI meetings and training sessions including an annual convention.
- g. Requiring that Beta Eta utilize and promote the PI KAPPA PHI colors.
- h. Requiring that the bell – the PI KAPPA PHI national symbol – be displayed as a public acknowledgment that the Beta Eta chapter and its members were agents of PI KAPPA PHI.

- i. Through publication of the "Star and Lamp" magazine PI KAPPA PHI featured and/or wrote about various chapters including Beta Eta so that it could serve as a permanent record documenting the life of the fraternity.
- j. Listing the Beta Eta chapter on the PI KAPPA PHI website as one of the fraternity's official chapters.

146. Andrew Coffey decided to pledge Pi Kappa Phi Beta Eta in reliance upon the representations that he was joining the national "brotherhood" of PI KAPPA PHI.

147. Andrew Coffey submitted payment of \$510.00 and began the pledge process with Pi Kappa Phi Beta Eta in hopes of becoming a "brother" and full "member" of PI KAPPA PHI.

148. Accordingly, PI KAPPA PHI is vicariously liable for the negligence of the individual defendants named herein.

149. As a direct and proximate result of said negligence, Andrew Coffey died and the Plaintiffs were caused to suffer the damages described above.

COUNT XIV

Vicarious Liability - BETA ETA REAL ESTATE INC. (Actual Agency)

150. Plaintiffs reallege and reaver paragraphs 1 through 70 and 80 through 85, and further allege as follows:

151. Defendants, PETAGINE, RAY, OPPENHEIMER, MUEHLSTEIN, KLUTTZ, BAUER, BIRMINGHAM and HAMLIN were actual agents of Defendant Beta Eta Real Estate, Inc.

152. On information and belief, BETA ETA REAL ESTATE, INC. is a Florida corporation formed by alumni members of Pi Kappa Phi for the purpose of owning and maintaining the fraternity house located at 423 West College Avenue, Tallahassee, Florida.

153. By owning and maintaining a fraternity house to be used solely by the members of Pi Kappa Phi, Beta Eta, BETA ETA REAL ESTATE, INC. ensured the continued growth of membership at Pi Kappa Phi, Beta Eta, and the perpetuation of Pi Kappa Phi traditions, rituals, and events.

154. BETA ETA REAL ESTATE, INC. acknowledged that the members of Pi Kappa Phi, Beta Eta, including Defendants, PETAGINE, RAY, OPPENHEIMER, MUEHLSTEIN, KLUTTZ, BAUER, BIRMINGHAM and HAMLIN, would act on its behalf to help in ensuring the upkeep and maintenance of the fraternity house located at 423 West College Avenue, Tallahassee, Florida, and that the fraternity house continued to bear the fraternity letters.

155. Defendants, PETAGINE, RAY, OPPENHEIMER, MUEHLSTEIN, KLUTTZ, BAUER, BIRMINGHAM and HAMLIN accepted the undertaking of acting for BETA ETA REAL ESTATE, INC. by agreeing to maintain the fraternity house in a reasonably safe condition, ensuring that the fraternity house would serve as a location to perpetuate the fraternity's traditions, and to educate and indoctrinate pledges with the history of the fraternity.

156. BETA ETA REAL ESTATE, INC. exercised significant control over Defendants PETAGINE, RAY, OPPENHEIMER, MUEHLSTEIN, KLUTTZ, BAUER, BIRMINGHAM and HAMLIN by requiring compliance with maintenance and safety standards in order to ensure that

the fraternity house would continue to serve as a meeting place for members of Pi Kappa Phi Beta Eta and would serve as a place where various fraternity members would live.

157. At all times material hereto, while at the fraternity house, and during their interactions with Andrew Coffey, Defendants PETAGINE, RAY, OPPENHEIMER, MUEHLSTEIN, KLUTTZ, BAUER, BIRMINGHAM and HAMLIN, were acting in the course and scope of their agency relationship with BETA ETA REAL ESTATE, INC.

158. Accordingly, BETA ETA REAL ESTATE, INC. is vicariously liable for the negligence of Defendants PETAGINE, RAY, OPPENHEIMER, MUEHLSTEIN, KLUTTZ, BAUER, BIRMINGHAM and HAMLIN, as set forth in Count III of this Complaint.

159. As a direct and proximate result of said negligence, Andrew Coffey died and the Plaintiffs were caused to suffer the damages described above.

COUNT XV
Vicarious Liability - BETA ETA HOUSE CORPORATION INC., OF TALLAHASSEE, FLORIDA (Actual Agency)

160. Plaintiffs reallege and reaver paragraphs 1 through 70 and 80 through 85 and further allege as follows:

161. Defendants, PETAGINE, RAY, OPPENHEIMER, MUEHLSTEIN, KLUTTZ, BAUER, BIRMINGHAM and HAMLIN were actual agents of Defendant BETA ETA HOUSE CORPORATION, INC., OF TALLAHASSEE, FLORIDA.

162. BETA ETA HOUSE CORPORATION INC., OF TALLAHASSEE FLORIDA was and/or is responsible for the stewardship and management of the fraternity house located or

formerly located at 423 West College Avenue in Tallahassee, Florida, and had the authority and/or ability to control the activities that occurred at the fraternity house in November 2017

163. By its stewardship and management of the fraternity house and by its requirement that the house be used solely by the members of Pi Kappa Phi, Beta Eta, BETA ETA HOUSE CORPORATION INC., OF TALLAHASSEE FLORIDA ensured the continued growth of membership at Pi Kappa Phi, Beta Eta, and the perpetuation of Pi Kappa Phi traditions, rituals, and events.

164. BETA ETA HOUSE CORPORATION INC., OF TALLAHASSEE FLORIDA. acknowledged that the members of Pi Kappa Phi, Beta Eta, including Defendants, PETAGINE, RAY, OPPENHEIMER, MUEHLSTEIN, KLUTTZ, BAUER, BIRMINGHAM and HAMLIN, would act on its behalf to help in ensuring the upkeep and maintenance of the fraternity house located at 423 West College Avenue, Tallahassee, Florida, and that the fraternity house would continue to bear the fraternity letters.

165. As officers of Beta Eta, Defendants, PETAGINE, RAY, OPPENHEIMER, MUEHLSTEIN, KLUTTZ, BAUER, BIRMINGHAM and HAMLIN voluntarily accepted the undertaking of acting for BETA ETA HOUSE CORPORATION INC., OF TALLAHASSEE FLORIDA. by agreeing to maintain the fraternity house in a reasonably safe condition and by ensuring that the fraternity house would serve as a location to perpetuate the fraternity's traditions, and as a place to educate and indoctrinate pledges with the history of the fraternity.

166. BETA ETA HOUSE CORPORATION INC., OF TALLAHASSEE FLORIDA exercised significant control over Defendants, PETAGINE, RAY, OPPENHEIMER,

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MUEHLSTEIN, KLUTTZ, BAUER, BIRMINGHAM and HAMLIN by requiring compliance with the maintenance and safety standards of House Corporation in order to ensure the fraternity house would continue to serve as a meeting place for members of Pi Kappa Phi Beta Eta and would serve as a place where various fraternity members would live.

167. At all times material hereto, while at the fraternity house, and during their interactions with Andrew Coffey, Defendants PETAGINE, RAY, OPPENHEIMER, MUEHLSTEIN, KLUTTZ, BAUER, BIRMINGHAM and HAMLIN, were acting in the course and scope of their agency relationship with BETA ETA HOUSE CORPORATION INC., OF TALLAHASSEE FLORIDA.

168. Accordingly, BETA ETA HOUSE CORPORATION INC., OF TALLAHASSEE FLORIDA is vicariously liable for the negligence of Defendants PETAGINE, RAY, OPPENHEIMER, MUEHLSTEIN, KLUTTZ, BAUER, BIRMINGHAM and HAMLIN, as set forth in Count III of this Complaint.

169. As a direct and proximate result of the negligence of said defendants, Andrew Coffey died and the Plaintiffs were caused to suffer the damages described above.

WHEREFORE, the Plaintiffs demand judgment from the Defendants and further demand a trial by jury of all issues triable as of right by a jury.

CASE NO.:

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Dated: February 20, 2018.