

PETER W. TILL, ESQ.  
LAW OFFICES OF PETER W. TILL  
105 Morris Avenue - Suite 201  
Springfield, New Jersey 07081  
(973) 258-0064 telephone  
(973) 258-0478 facsimile

-and-

JAY J. RICE, ESQ.  
NAGEL RICE, LLP  
103 Eisenhower Parkway  
Roseland, New Jersey 07068  
(973) 618-0400 telephone  
(973) 618-9194 facsimile

*Co-Counsel for Plaintiff, Marquesa C. Jackson-Locklear, individually and as Administratrix of the Estate of Cherelle Jovanna Locklear*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

MARQUESA C. JACKSON-LOCKLEAR,  
individually and as Administratrix of the Estate  
Cherelle Jovanna Locklear,

Plaintiff,

v.

WILLIAM PATERSON UNIVERSITY;  
WILLIAM PATERSON UNIVERSITY POLICE  
DEPARTMENT; SIGMA PI FRATERNITY  
WILLIAM PATERSON UNIVERSITY  
CHAPTER; KATHLEEN M. WALDRON,  
William Paterson University President,  
individually; ROBERT FULLEMAN, William  
Paterson University Director of Public Safety and  
University Police, individually; ELLEN  
DESIMONE, William Paterson University Police  
Department Detective Sergeant, individually;  
MICHAEL JON ARP, William Paterson  
University Police Department Detective Sergeant,  
individually; THERESA A. BIVALETZ, William  
Paterson University Campus Victim Services  
Coordinator, individually; JOHN AND/OR JANE  
DOES 1-30 (names fictitious as presently  
unknown), who are employees, representatives,  
and/or agents of defendant WILLIAM  
PATERSON UNIVERSITY, individually; JOHN  
AND/OR JANE DOES 1-30 (names fictitious as

:  
:  
:  
:  
:  
: Civil Action No. 2:16-cv-5499-JMV-MF

**AMENDED COMPLAINT AND  
JURY DEMAND**



to seek redress against Defendants for their actions, omissions, errors, flawed policies and procedures, deliberate indifference, and otherwise overall failure to comply with applicable law and other obligations to Cherelle.

3. Plaintiff Marquesa C. Jackson-Locklear is the mother of Cherelle Jovanna Locklear and the duly appointed Administratrix of the Estate of her daughter, Cherelle Jovanna Locklear.

4. Cherelle was a student at William Paterson University from 2012 until her death at age 21 on November 22, 2015.

5. Cherelle was raped at the William Paterson University Sigma Pi Fraternity, Theta Tau Chapter house on or about September 25, 2015. She reported the rape to William Paterson University Victim Services Coordinator Theresa A. Bivaletz on or about October 26, 2015.

6. Despite full knowledge of the rape, William Paterson University, the William Paterson University Police Department, and other individuals named herein did not engage in even a modicum of the investigation required by law, and took no steps evidencing any concern for Cherelle's personal security and safety.

7. Early during the morning of on November 22, 2015, one of Cherelle's roommates discovered Cherelle unresponsive, hanging from a tie, in the bathroom of her Pioneer Hall Dormitory room. She was pronounced dead shortly thereafter.

#### **JURISDICTION AND VENUE**

8. This Court has jurisdiction over this matter pursuant to 20 U.S.C. § 1331, as the claims alleged herein are brought pursuant to 20 U.S.C. § 1681, and under 28 U.S.C. §1367 and the doctrines of ancillary and pendent jurisdiction.

9. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because Defendants William Paterson University and William Paterson University Police Department are located in

this judicial district and almost all of the events that give rise to the claims herein occurred in this district.

10. Plaintiff hereby reserves the right to amend this Complaint asserting various claims, including but not limited to claims against the State of New Jersey.

### **THE PARTIES**

11. Marquesa C. Jackson-Locklear is Cherelle's mother and Administratrix of Cherelle's Estate.

12. Defendant William Paterson University is a public, coeducational university of the State of New Jersey located in Wayne, New Jersey, with an address at 300 Pompton Road, Wayne, New Jersey 07470.

13. Defendant William Paterson University Police Department (the "University Police Department") is a police organization authorized by the State of New Jersey with an address of 300 Pompton Road, Wayne, New Jersey 07470, and is responsible for servicing and protecting William Paterson University's campus and its university community.

14. Defendant Sigma Pi Fraternity William Paterson University, Theta Tau Chapter ("Theta Tau") is the William Paterson University Chapter of an international collegiate organization of the same name, with an address at 300 Pompton Road, Wayne, New Jersey 07470.

15. Defendant Kathleen M. Waldron, President of William Paterson University, is a natural person, citizen of the United States, and resident of New Jersey. During the events described herein, Defendant President Waldron, in her capacity of President of William Paterson University, was the chief executive officer of the University and ultimately responsible for all university functions, including all hiring and firing decisions and all aspects of student life at William Paterson University.

16. Defendant Robert Fulleman is a natural person, citizen of the United States, and resident of New Jersey. During the events described herein, Defendant Fulleman was William Paterson University's Director of Public Safety and University Police, and was responsible for implementing, overseeing, and supervising all laws and safety procedures at William Paterson University and the William Paterson University Police Department.

17. Defendant Detective Sergeant Ellen DeSimone is a natural person, citizen of the United States, and resident of New Jersey. During the events described herein, Defendant DeSimone was a detective sergeant with the William Paterson University Police Department as well as a duly charged investigating officer for both Cherelle's rape and her death.

18. Defendant Detective Sergeant Michael Jon Arp is a natural person, citizen of the United States, and resident of New Jersey. During the events described herein, Defendant Arp was a detective sergeant with the William Paterson University Police Department as well as a duly charged investigating officer for both Cherelle's rape and her death.

19. Defendant Theresa A. Bivaletz is a natural person, citizen of the United States, and resident of New Jersey. During the events described herein, Defendant Bivaletz was the William Paterson University Victim Services Coordinator.

20. Upon information and belief, Defendants John and/or Jane Does 1-30 were natural persons, citizens of the United States, and residents of New Jersey. During the events described herein, Defendants John and/or Jane Does 1-30 were employees, representatives, and/or agents of Defendant William Paterson University.

21. Upon information and belief, Defendants John and/or Jane Does 1-30 were natural persons, citizens of the United States, and residents of New Jersey. During the events described herein,

Defendants John and/or Jane Does 1-30 were employees, representatives, and/or agents of Defendant William Paterson University Police Department.

22. Upon information and belief, Defendants John and/or Jane Does 1-30 were natural persons, citizens of the United States, and residents of New Jersey. During the events described herein, Defendants John and/or Jane Does 1-30 were employees, representatives, members, visitors, and/or agents of Defendant Sigma Pi Fraternity William Paterson University Chapter.

23. Upon information and belief, Defendants John and/or Jane Does 1-30 were natural persons and citizens of the United States. During the events described herein, Defendants John and/or Jane Does 1-30 were employees, representatives, and/or agents of Defendant Sigma Pi Fraternity, International Inc. with supervisory powers and responsibilities regarding the William Paterson University chapter of the fraternity.

#### **FACTUAL BACKGROUND**

24. Cherelle was a female African American student at William Paterson University from 2012 until her death on November 22, 2015.

25. Defendant Theta Tau is a formally recognized Greek organization of Defendant William Paterson University. William Paterson University promotes fraternities and sororities as a driving force behind student life on the University's campus and praises their members as having a strong commitment to leadership, services, and scholarship.

26. Cherelle was raped at the Theta Tau house on or about September 25, 2015. She did not immediately report the rape to the authorities.

27. On or about October 15, 2015, Cherelle attempted to commit suicide by overdosing on pills. She was admitted to the hospital and remained hospitalized for approximately five days.

Thereafter, Cherelle made a formal request to William Paterson to change rooms and roommates on or about October 20, 2015.

28. After she had been released from the hospital, on or about October 26, 2015, Cherelle reported the rape to William Paterson Campus Victim Services Coordinator Theresa A. Bivaletz (“Bivaletz”). Cherelle described the circumstances of the rape and identified the perpetrator, and directed Bivaletz to report the rape to the University Police Department. Cherelle also advised Bivaletz of Cherelle’s suicide attempt.

29. Bivaletz was obligated to immediately report the sexual assault to the University Police Department so that a complete investigation could immediately be commenced and steps such as a no contact order could immediately be taken to protect Cherelle’s safety.

30. Despite the requirement that the sexual assault be reported immediately to the University Police Department, Bivaletz did not report the rape to the University Police Department until sometime in November 2015.

31. Even after receiving the report of Cherelle’s sexual assault, the University Police Department utterly failed to perform an appropriate and thorough investigation. As a result of the utter failure to perform an appropriate and thorough investigation, the perpetrator identified by Cherelle has neither been confronted nor charged by law enforcement.

32. University Police Department Detective Sergeant Ellen DeSimone and Detective Sergeant Michael Jon Arp, and other individuals still to be identified, are employees of William Paterson University and the University Police Department in direct charge of student security. They and others utterly and with deliberate indifference failed to properly investigate the reported sexual assault.

33. During the early morning hours of November 22, 2015, one of Cherelle's roommates, Stacey Geron, discovered Cherelle unresponsive and hanging by a necktie in the adjoining dormitory bathroom area. Her roommates immediately cut her down from the self-made noose and called 911.

34. Cherelle was pronounced dead approximately 15 – 20 minutes later, when the Emergency Services Unit arrived.

35. Despite the fact that the William Paterson University, the University Police Department, Victim Services Coordinator Bivaletz, and Detective Sergeants Ellen DeSimone and Michael Jon Arp were fully aware of the sexual assault on Cherelle, her prior suicide attempt, and decision to change rooms and roommates, they deliberately and collectively failed to act as required by law to investigate the assault and protect Cherelle's safety.

36. As a result of the collective, deliberately indifferent acts and omissions of William Paterson University, Victim Services Coordinator Bivaletz, the University Police Department, Detectives DeSimone and Arp, and other John and/or Jane Does responsible for security, safety, protection, and investigation on behalf of William Paterson University students, in failing to properly act in their supervisory and law enforcement functions and capacities, significant and irreparable injury was caused to Cherelle.

37. On February 19, 2016, William Paterson University Custodian of Records Ramzi Chabayta minimally responded to eleven (11) separate New Jersey Open Public Records Act ("OPRA") requests submitted by Plaintiff pursuant to N.J.S.A. 47:1A-1.1.

38. The subject OPRA production included an incident form dated October 26, 2015 and signed by Victim Services Coordinator Bivaletz.

39. The name of Cherelle's rapist (who had been identified by Cherelle) was wholly redacted from the document production.

40. However, while engaging in an extensive discovery process, it was uncovered that the name of Cherelle's rapist was Jamie Conklin a former student at Defendant William Paterson University and a lifelong brother of Theta Tau.

41. Jamie Conklin was a student enrolled at Defendant William Paterson University who completed just three semesters (Fall 2012, Spring 2013, Fall 2013), before leaving the University due to academic and financial problems.

42. While living on campus, Jamie Conklin had three infractions which led to discipline from the University, including one which included alcohol.

43. Jamie Conklin pledged/rushed Theta Tau during the Spring 2013 Semester.

44. Jamie Conklin was initiated as a brother of Theta Tau in approximately April of 2013.

45. After leaving Defendant William Paterson University in the Fall of 2013, Jamie Conklin was no longer active within Theta Tau but remained a "brother for life."

46. On December 20, 2014 Jamie Conklin was technically deactivated from Theta Tau for violating Theta Tau Bylaws 18 Section 1(b): "Each Chapter of the Fraternity will maintain an annual cumulative GPA of 2.5 on a 4.0 scale or a GPA equal to or above the all-men's average on that campus. Each member will maintain a 2.25 GPA on a 4.0 scale of GPA equal to or above the all-men's average on the campus."

47. This meant that Jamie Conklin was simply not listed amongst the active brothers of Theta Tau, did not have to pay the requisite dues, nor abide by the same rules as active members of Theta Tau.

48. Jamie Conklin was, however, a brother for life of Theta Tau and as such, was still welcomed as active brother by Theta Tau, received invitations to Theta Tau parties and social events, and kept in constant close communication with his Theta Tau brothers through a GroupMe Chat, which contained the active and inactive brothers of Theta Tau. The brothers of Theta Tau shared their party experiences and relived their parties and sexual conquests through the GroupMe chat, which they also called “Roast Chats.”

49. Theta Tau maintained absolutely no policy for preventing inactive members from attending its parties and social events and inactive brothers were given all privileges of active brothers and unfettered access to Theta Tau parties.

50. This allowed Jamie Conklin to stay informed as to events happening with both the Defendant William Paterson University and Theta Tau.

51. It is undisputed that after his deactivation from Theta Tau, Jamie Conklin continued to attend parties at the Theta Tau house, and social events hosted by the Theta Tau. In fact, many of Mr. Conklin former collegiate colleagues were unaware that he was no longer a student at William Paterson University nor an active member of the Theta Tau fraternity given that Conklin was a fixture at all Theta Tau events and a mainstay at the Theta Tau house.

52. Throughout the time in which Cherelle attended Defendant William Paterson University, Theta Tau hosted at minimum one weekly mixer with another sorority at its house in Franklin Lakes, NJ. At every mixer, alcohol was present. Typically, Theta Tau would supply alcohol, which included jungle juice (a mixture of vodka and/or grain alcohol and fruit juices) and allowed social guests to bring their own alcohol to the house as well.

53. Every semester, Theta Tau held parties for Cherelle’s sorority, Delta Phi Epsilon on the date that the sorority pledges became sisters.

54. All Theta Tau parties were held at one location at 793 Franklin Avenue, Franklin Lakes, New Jersey (the “Franklin Lakes House”) and Theta Tau did not hold parties at any other location.

55. The Franklin Lakes House was the only house used by Theta Tau, was the location where official Theta Tau decisions and obligations were performed, and was known by the William Paterson community as the Theta Tau house.

56. Throughout the time in which Cherelle attended Defendant William Paterson University, Theta Tau had a reputation for its aggressive behavior with female guests, including obtaining a reputation for slipping “roofies” into women’s drinks, and taking advantage of women sexually at their weekly Fraternity Mixers. Some sorority sisters refused to drink the alcohol provided by Sigma Pi for fear that it contained “roofies” or was otherwise tampered with.

57. Numerous female students of William Paterson University have stated that Cherelle’s assailant, Jamie Conklin, personally contributed to the negative reputation of Theta Tau, as he was a recognizable Theta Tau brother, who had a questionable reputation with respect to his treatment of woman and his alcohol and drug use.

58. Throughout the time in which Cherelle attended Defendant William Paterson University, female students of William Paterson University described that Jamie Conklin was known around campus for taking advantage of females, having sex with women without their consent, carrying drugs and has even been described as “creepy” by multiple women who were in frequent contact with Mr. Conklin.

59. Prior to the date that Cherelle was raped at a Theta Tau party, a member of the Delta Phi Epsilon sorority was raped after consuming excessive amounts of alcohol at a Theta Tau party she attended. The sorority member reported the rape to William Paterson University and a Title IX investigation was conducted. On information and belief, neither William Paterson University nor

Theta Tau conducted any disciplinary investigation regarding Theta Tau's practices of providing alcohol to guests at its parties.

**COUNT ONE**  
**VIOLATION OF 20 U.S.C. § 1681**  
**(Title IX of the Education Amendments of 1972)**

60. Plaintiff repeats, re-alleges, and incorporates the allegations set forth hereinabove in Paragraphs 1 through 59, as if set forth at length herein.

61. Title IX of the Education Amendments of 1972 ("Title IX") provides, in pertinent part that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.  
20 U.S.C. §1681 (a).

62. Title IX and the regulations promulgated thereunder apply to an entire school or institution where any part of that school or institution receives Federal funds.

63. Defendant William Paterson University, and Defendant University Police Department, under the auspices of the University, receive Federal funding that brings them, and William Paterson University as a whole, within the ambit of Title IX and the regulations promulgated thereunder.

64. As Title IX recipients, Defendants William Paterson University and the University Police Department are required to comply with the requirements of Title IX and the regulations promulgated thereunder.

65. William Paterson University, through its Victim Services Coordinator Theresa A. Bivaletz and through the University Police Department, had actual knowledge of the sexual assault upon Cherelle.

66. Under Title IX, William Paterson University was obligated to immediately investigate Cherelle's report that she had been raped and to immediately take steps to protect Cherelle's well-

being prior to the completion of the investigation, including separating Cherelle from her rapist by a “no contact order” or otherwise, providing Cherelle with counseling, and/or taking disciplinary action against the rapist.

67. The alleged student-rapist was never questioned, disciplined, or otherwise sanctioned for raping Cherelle, and no steps were taken to keep the alleged rapist away from Cherelle. As a result, Cherelle remained in constant fear that the rapist would be in her classes, or could be just around any corner.

68. From and after October 26, 2016, William Paterson University, the University Police Department, and Victim Services Coordinator Bivaletz were fully cognizant of Cherelle’s report of the sexual assault on her and, although having actual knowledge, were deliberately indifferent in utterly failing to take any action to protect Cherelle from encountering the student-assailant on campus in order to enable her to safely and fully access her education.

69. Although William Paterson University was on notice of other instances of sexual assault and sex-based violence perpetrated against William Paterson University female students, its failure to take action to address those incidents created a climate in which such misconduct against women was tolerated. As a result, William Paterson University’s policy of deliberate indifference to the safety and security of its female students encouraged sexual assault and sex-based violence.

70. The utter and complete inadequacy or nonexistence of any investigation by William Paterson University or the University Police Department into the reported rape of Cherelle constitutes and is part of a pattern and practice of deliberate indifference with respect to the duties and the protections owed to female students under Title IX.

71. As a direct and proximate cause of the utter failure of Defendants to proceed with any reasonable investigation into the sexual assault on Cherelle, specifically their failure to comply

with the requirements of Title IX, Cherelle suffered wrongful death and was permanently denied the benefits of an educational program, quality of life, future employment and earning capacity, and all other ensuing benefits, and also suffered immeasurable physical and emotional injury prior to her death.

72. Plaintiff's losses and damages are cognizable under 20 U.S.C. §1681 (Title IX).

**WHEREFORE**, the Plaintiff prays for judgment against Defendants for the following relief:

- a. Compensatory damages in an amount to be determined at trial;
- b. Interest;
- c. Reasonable attorney's fees;
- d. Costs of suit;
- e. Such other relief as the Court may deem equitable and just.

**COUNT TWO**  
**GOVERNMENTAL RESPONSIBILITY UNDER N.J.S.A. 10:6-1 et seq.**

73. Plaintiff repeats, re-alleges, and incorporates the allegations set forth hereinabove in Paragraphs 1 through 72, as if set forth at length herein.

74. At all times stated herein, Defendant President Waldron, by virtue of her position as President of Defendant William Paterson University, was responsible for all university educational and managerial functions and for the execution and enforcement of all rules, regulations, and orders governing the management, conduct, and administration of Defendant William Paterson University.

75. As a result of Defendant President Waldron's high level position, influence, and connections, her decisions, statements, instructions, and/or edicts constituted policy and/or custom of Defendant William Paterson University.

76. At all times stated herein, Defendant Fulleman, by virtue of his position as Defendant William Paterson University's Director of Public Safety and University Police, had final policy making authority on behalf of Defendant William Paterson University and Defendant University Police Department.

77. As a result of Defendant Fulleman's high level position, influence, and connections his decisions, statements, instructions, and/or edicts constituted policy and/or custom of Defendant William Paterson University and Defendant University Police Department.

78. At all times stated herein, Defendant Sergeant DeSimone, by virtue of her position as a sergeant of Defendant University Police Department, had final policy making authority on behalf of Defendant University Police Department.

79. As a result of Defendant Sergeant DeSimone's high level position, influence, and connections her decisions, statements, instructions, and/or edicts constituted policy and/or customs of Defendant University Police Department.

80. At all times stated herein, Defendant Sergeant Arp, by virtue of his position as a sergeant of Defendant University Police Department, had final policy making authority on behalf of Defendant University Police Department.

81. As a result of Defendant Sergeant Arp's high level position, influence, and connections his decisions, statements, instructions, and/or edicts constituted policy and/or customs of Defendant University Police Department.

82. At all relevant times, Defendants John and/or Jane Does 1-30, by virtue of their positions as employees, representatives, and/or agents of Defendant William Paterson University, had final policy making authority on behalf of defendant William Paterson University.

83. As a result of Defendants John and/or Jane Does 1-30's high level positions, influence, and connections their decisions, statements, instructions, and/or edicts constituted policy and/or custom of Defendant William Paterson University.

84. At all relevant times, Defendants John and/or Jane Does 1-30, by virtue of their positions as employees, representatives, and/or agents of Defendant University Police Department, had final policy making authority on behalf of Defendant University Police Department.

85. As a result of Defendants John and/or Jane Does 1-30's high level positions, influence, and connections their decisions, statements, instructions, and/or edits constituted policy and/or custom of Defendant University Police Department.

86. Defendant William Paterson University is responsible for the state and federal constitutional transgressions and violations of the "New Jersey Civil Rights Act," N.J.S.A. 10:6-1 et seq. by its agents, employees, and servants, Defendant President Waldron, Defendant Fulleman, Defendant Sergeant DeSimone, Defendant Sergeant Arp, and John and/or Jane Does 1-30 stated herein because said improper actions and misconduct represented decisions, statements, instructions, and/or edicts made by those with final policy making authority and thus constituted policy and/or custom of defendant William Paterson University.

87. Moreover, Defendant William Paterson University failed to train and/or supervise Defendants President Waldron, Defendant Fulleman, Defendant Bivaletz, Defendant Sergeant DeSimone, Defendant Sergeant Arp, and John and/or Jane Does 1-30 and same constituted deliberate indifference to Plaintiff.

88. The improper actions and misconduct of Defendants President Waldron, Mr. Fulleman, Defendant Bivaletz, Sergeant DeSimone, Sergeant Arp, and John and/or Jane Does 1-30 were part

and parcel of policies, procedures, and/or custom officially sanctioned, mandated, and/or ordered by Defendant William Paterson University.

89. Defendant William Paterson University neglected and/or refused to prevent the wrongs that occurred.

90. Defendant University Police Department is responsible for the transgressions and violations of the “New Jersey Civil Rights Act,” N.J.S.A. 10:6-1 et seq. of its agents, employees, and servants, Defendants Mr. Fulleman, Sergeant DeSimone, Sergeant Arp, and John and/or Jane Does 1-30 stated herein, because said improper actions and misconduct represented decisions, statements, instructions, and/or edicts made by those with final policy making authority and, thus, constituted policy and/or custom of defendant University Police Department.

91. Moreover, Defendant University Police Department failed to train and/or supervise Defendant Mr. Fulleman, Defendant Sergeant DeSimone, Defendant Sergeant Arp, and Defendants John and/or Jane Does 1-30 and same constituted deliberate indifference to Plaintiff.

92. The improper actions and misconduct of Defendants Mr. Fulleman, Sergeant DeSimone, Sergeant Arp, and John and/or Jane Does 1-30 were part and parcel of policies, procedures, and/or customs officially sanctioned, mandated, and/or ordered by Defendant University Police Department.

93. Defendant University Police Department neglected and/or refused to prevent the wrongs that occurred.

94. As a direct and proximate result, Cherelle suffered wrongful death, suffered immeasurable physical and emotional injury prior to her death, was permanently deprived of a college education and the ensuing benefits, and lost career opportunities and earning capacity, suffering a deprivation

of constitutional rights guaranteed Article 1 of the New Jersey Constitution as made actionable through N.J.S.A. § 10:6-1, et seq.

95. The deceased Plaintiff's losses and damages are cognizable under the "New Jersey Civil Rights Act," N.J.S.A. 10:6-1 et seq.

**WHEREFORE**, Plaintiff prays for judgment against Defendants individually, jointly, and severally, for the following relief:

- a. Compensatory damages in an amount to be determined at trial;
- b. Punitive damages;
- c. Civil penalties against these Defendants pursuant to N.J.S.A. § 10-2 (e);
- d. Interest;
- e. Reasonable attorney's fees;
- f. Costs of suit; and
- g. Such other relief as the Court may deem equitable and just.

**COUNT THREE  
NEGLIGENT TRAINING AND SUPERVISION**

96. Plaintiff repeats, re-alleges, and incorporates the allegations set forth hereinabove in Paragraphs 1 through 95, as if set forth at length herein.

97. Defendants William Paterson University, the University Police Department, President Waldron, Mr. Fulleman, and John and/or Jan Does 1-30, have failed to properly train, supervise, and discipline Defendants Sergeant DeSimone, Sergeant Arp, John and/or Jane Does 1-30, investigating members of the University Police Department, and other agents and/or employees of William Paterson University and/or the University Police Department on how to properly investigate allegations of sexual misconduct.

98. Defendants Sergeant DeSimone, Sergeant Arp, John and/or Jane Does 1-30, and individual agents, employees, and/or representatives of William Paterson University and the University Police Department were at no time trained on how to properly respond to allegations such as those made hereinabove.

99. Defendants William Paterson University and the University Police Department were negligent in screening, hiring, training, supervising, disciplining, and/or retaining the Defendants President Waldron, Mr. Fulleman, Sergeant DeSimone, Sergeant Arp, and John and/or Jane Does 1-30 in this matter, who they knew or should have known were not qualified to act properly in this matter.

100. William Paterson University and the University Police Department are liable for the aforesaid acts under the doctrine of respondeat superior and because they permitted conditions to exist which facilitated and/or permitted such conduct to occur.

101. As a direct and proximate result, Cherelle suffered wrongful death, suffered immeasurable physical and emotional injury prior to her death, was permanently deprived of a college education and the ensuing benefits, lost career opportunities and earning capacity, suffering a deprivation of constitutional rights guaranteed Article 1 of the New Jersey Constitution as made actionable through N.J.S.A. § 10:6-1, et seq.

**WHEREFORE**, Plaintiff prays for judgment against Defendants, individually, jointly, and severally, for the following relief:

- a. Compensatory damages in an amount to be determined at trial;
- b. Interest;
- c. Reasonable attorney's fees;
- d. Costs of suit; and

- e. Such other relief as the Court may deem equitable and just.

**COUNT FOUR**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

102. Plaintiff repeats, re-alleges, and incorporates the allegations set forth hereinabove in Paragraphs 1 through 101, as if set forth at length herein.

103. The conduct and actions of Defendants William Paterson University, Victim Services Coordinator Bivaletz, the University Police Department, President Waldron, Mr. Fulleman, Sergeant DeSimone, Sergeant Arp, and John and/or Jane Does 1-30 detailed herein were intentional, extreme, and outrageous.

104. Defendants William Paterson University, Victim Services Coordinator Bivaletz, the University Police Department, President Waldron, Mr. Fulleman, Sergeant DeSimone, Sergeant Arp, and John and/or Jane Does 1-30 intended to cause, or were in reckless disregard of the probability that their actions and conduct would cause, severe emotional distress.

105. The misconduct of Defendants William Paterson University, Victim Services Coordinator Bivaletz, the University Police Department, President Waldron, Mr. Fulleman, Sergeant DeSimone, Sergeant Arp, and John and/or Jane Does 1-30 described herein was undertaken with malice, willfulness, and reckless indifference to the rights of others.

106. As a direct and proximate result, Cherelle suffered wrongful death, suffered immeasurable physical and emotional injury prior to her death, was deprived of a college education and the ensuing benefits, and lost career opportunities and earning capacity, having suffered a deprivation of her constitutional rights guaranteed Article 1 of the New Jersey Constitution as made actionable through N.J.S.A. § 10:6-1 et seq.

**WHEREFORE**, Plaintiff prays for judgment against Defendants, individually, jointly, and severally, for the following relief:

- a. Compensatory damages in an amount to be determined at trial;
- b. Punitive damages;
- c. Interest;
- d. Reasonable attorney's fees;
- e. Costs of suit; and
- f. Such other relief as the Court may deem equitable and just.

**COUNT FIVE**  
**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

107. Plaintiff repeats, re-alleges, and incorporates the allegations set forth hereinabove in Paragraphs 1 through 107, as if set forth at length herein.

108. Defendants William Paterson University, Victim Services Coordinator Bivaletz, the University Police Department, President Waldron, Mr. Fulleman, Sergeant DeSimone, Sergeant Arp, and John and/or Jane Does 1-30 had a continuing affirmative duty to perform their professional services in such a manner as not to inflict emotional distress on Cherelle.

109. Defendants William Paterson University, Victim Services Coordinator Bivaletz, the University Police Department, President Waldron, Mr. Fulleman, Sergeant DeSimone, Sergeant Arp, and John and/or Jane Does 1-30 breached their duties by continually negligently inflicting emotional distress on Cherelle.

110. In addition, Cherelle sustained severe emotional distress while enduring Defendants' tortious behavior and conduct against her.

111. As a direct and proximate result, Cherelle suffered wrongful death, suffered immeasurable physical and emotional injury prior to her death, was deprived of a college education and the ensuing benefits, and lost career opportunities and earning capacity, having suffered deprivation

of constitutional rights guaranteed Article 1 of the New Jersey Constitution as made actionable through N.J.S.A. § 10:6-1, et seq..

**WHEREFORE**, Plaintiff prays for judgment against Defendants, individually, jointly, and severally, for the following relief:

- a. Compensatory damages in an amount to be determined at trial;
- b. Interest;
- c. Reasonable attorney's fees;
- d. Costs of suit; and
- e. Such other relief as the Court may deem equitable and just.

**COUNT SIX  
NEGLIGENCE AGAINST UNIVERSITY DEFENDANTS**

112. Plaintiff repeats, re-alleges, and incorporates the allegations set forth hereinabove in Paragraphs 1 through 111, as if set forth at length herein.

113. At all times material and relevant hereto, Defendants William Paterson University, Victim Services Coordinator Bivaletz, the University Police Department, President Waldron, Mr. Fulleman, Sergeant DeSimone, Sergeant Arp, and John and/or Jane Does 1-30 owed Cherelle a duty of care.

114. At all times material and relevant hereto, Defendants William Paterson University and the University Police Department, as well as Defendants President Waldron, Victim Services Coordinator Bivaletz, Mr. Fulleman, Sergeant DeSimone, Sergeant Arp, and John and/or Jane Does 1-30 acting on their behalf, were charged with the responsibility of ensuring that all members of the William Paterson University student body were not deprived of the freedom and rights bestowed upon them by the Constitution of the State of New Jersey and the United States Constitution.

115. At all times material and relevant hereto, Defendants William Paterson University, the University Police Department, President Waldron, Victim Services Coordinator Bivaletz, Mr. Fulleman, Sergeant DeSimone, Sergeant Arp, and John and/or Jane Does 1-30 maintained and executed reckless and grossly inadequate sets of procedures, standards, guidelines, training, and/or supervising the William Paterson University student body.

116. Defendants William Paterson University, the University Police Department, President Waldron, Victim Services Coordinator Bivaletz, Mr. Fulleman, Sergeant DeSimone, Sergeant Arp, and John and/or Jane Does 1-30 breached their duty of care when they were negligent in investigating the subject allegations.

117. Defendants William Paterson University, the University Police Department, President Waldron, Victim Services Coordinator Bivaletz, Mr. Fulleman, Sergeant DeSimone, Sergeant Arp, and John and/or Jane Does 1-30, breached their duty of care when they were negligent in providing protection and care to the now deceased Plaintiff.

118. As a direct and proximate result, Cherelle suffered wrongful death, suffered immeasurable physical and emotional injury prior to her death, was deprived of a college education and the ensuing benefits, and lost career opportunities and earning capacity, suffering a deprivation of constitutional rights guaranteed Article 1 of the New Jersey Constitution as made actionable through N.J.S.A. § 10:6-1 et seq.

**WHEREFORE**, Plaintiff prays for judgment against Defendants, individually, jointly, and severally, for the following relief:

- a. Compensatory damages in an amount to be determined at trial;
- b. Interest;
- c. Reasonable attorney's fees;

- d. Costs of suit; and
- e. Such other relief as the Court may deem equitable and just.

**COUNT SEVEN  
GROSS NEGLIGENCE AGAINST UNIVERSITY DEFENDANTS**

119. Plaintiff repeats, re-alleges, and incorporates the allegations set forth hereinabove in Paragraphs 1 through 118, as if set forth at length herein.

120. As outlined above Defendants William Paterson University, the University Police Department, President Waldron, Victim Services Coordinator Bivaletz, Mr. Fulleman, Sergeant DeSimone, Sergeant Arp, and John and/or Jane Does 1-30, breached their duty of care failing to investigate and failing to protect.

121. The actions of Defendants William Paterson University, the University Police Department, President Waldron, Victim Services Coordinator Bivaletz, Mr. Fulleman, Sergeant DeSimone, Sergeant Arp, and John and/or Jane Does 1-30 exhibited an extreme absence of and failure to exercise even the slightest care or diligence.

122. As a direct and proximate result, Cherelle suffered wrongful death, suffered immeasurable physical and emotional injury prior to her death, was deprived of a college education and the ensuing benefits, and lost career opportunities and earning capacity, having suffered a deprivation of her constitutional rights guaranteed Article 1 of the New Jersey Constitution as made actionable through N.J.S.A. § 10:6-1, et seq.

**WHEREFORE**, Plaintiff prays for judgment against Defendants, individually, jointly, and severally, for the following relief:

- a. Compensatory damages in an amount to be determined at trial;
- b. Interest;
- c. Reasonable attorney's fees;

- d. Costs of suit; and
- e. Such other relief as the Court may deem equitable and just.

**COUNT EIGHT  
NEGLIGENCE AGAINST FRATERNITY DEFENDANTS**

123. Plaintiff repeats, re-alleges, and incorporates the allegations set forth hereinabove in Paragraphs 1 through 122, as if set forth at length herein.

124. Statistics, insurance claims analyses, studies, and reports, and widely known incidents of catastrophic injury, rape, and death have for decades demonstrated the foreseeable risk of dangerous injury and death from poorly or wholly unsupervised fraternity events and fundamentally flawed fraternity risk management policies.

125. In the late 1980s, fraternities and sororities were ranked by the National Association of Insurance Commissioners as the sixth worst risk for insurance companies, just behind hazardous waste disposal companies and asbestos contractors.

126. A 2000 United States Department of Justice Report, “The Sexual Victimization of College Women,” reported that 10.3% of rapes of college women take place in fraternities.

127. Moreover, the incidence of sexual assault of college women has received wide coverage in the national press.

128. Defendant, Sigma Pi Fraternity William Paterson University Chapter (“Sigma Pi Local”) knew, or in the exercise of reasonable care should have known, of such widely publicized and available information, studies and reports.

129. In fact, prevention of rape at fraternity houses and by fraternity members is one of the goals of The Fraternal Information and Programming Group (FIPG), a national organization whose members include Defendant Sigma Pi National.

130. Sigma Pi National granted a charter to Defendant Sigma Pi Local.

131. Defendant Sigma Pi National exercises supervisory power and control over Defendant Sigma Pi Local and its members.

132. Defendant Sigma Pi National prohibits members of its chapters, including members of Defendant Sigma Pi Local, from engaging in any form of sexist or sexually abusive behavior, whether on chapter premises or at an off-site location, including date rape, gang rape, verbal harassment, lewd gestures, and offensive touching.

133. Defendant Sigma Pi National requires its chapters to submit numerous reports and plans to Sigma Pi National, including but not limited to an annual risk management plan, an annual training program for new members, and incident reports when an incident occurs that causes injury, property damage or police/institution involvement.

134. Defendant Sigma Pi National requires its members to teach risk management policies and procedures to its new members.

135. Defendant Sigma Pi National has a “Crisis Management Plan” for its chapters. This “plan” includes not speaking to anyone about what occurred, never admitting liability, and never wearing clothing with the Fraternity’s name during the period when an incident is being investigated.

136. Defendant Sigma Pi National voluntarily undertook the supervision and control of its local chapters, including Defendant Sigma Pi Local.

137. Throughout the time in which Cherelle attended Defendant William Paterson University, Defendant Sigma Pi Fraternity, William Paterson University Chapter, the Sigma Pi Fraternity house hosted at minimum one weekly mixer with another sorority. At every mixer alcohol was present.

138. Cherelle's rapist Jamie Conklin was a student enrolled at Defendant William Paterson University who completed just three semesters (Fall 2012, Spring 2013, Fall 2013), before leaving the University due to academic and financial problems.

139. While living on campus, Jamie Conklin had three infractions which led to discipline from the University, including one which included alcohol.

140. Jamie Conklin pledged/rushed Defendant Sigma Pi Fraternity, William Paterson University Chapter, during the Spring 2013 Semester.

141. Jamie Conklin crossed over/became an official brother of Defendant Sigma Pi Fraternity, William Paterson University Chapter, in approximately April of 2013.

142. After leaving Defendant William Paterson University in the Fall of 2013, Jamie Conklin was no longer an active brother of Defendant Sigma Pi Fraternity, William Paterson University Chapter.

143. On December 20, 2014 Jamie Conklin was expelled from the Defendant Sigma Pi Fraternity, William Paterson University Chapter for a Violation of Fraternity Bylaws 18 Section 1(b): "Each Chapter of the Fraternity will maintain an annual cumulative GPA of 2.5 on a 4.0 scale or a GPA equal to or above the all-men's average on that campus. Each member will maintain a 2.25 GPA on a 4.0 scale of GPA equal to or above the all-men's average on the campus."

144. This meant that Jamie Conklin was simply not listed amongst the active brothers of the Defendant Fraternity, William Paterson University Chapter, and did not have to pay the requisite dues, and abide by the same rules as active members of the Defendant Fraternity, William Paterson University Chapter.

145. Jamie Conklin was however a brother for life of the Defendant Sigma Pi Fraternity, William Paterson University Chapter, and as such, was still treated as an active brother as he still

received invitations to Sigma Pi Fraternity parties and social events, and kept in constant close communication with his Sigma Pi brothers through a GroupMe Chat which contained the active and inactive brothers of the Defendant Sigma Pi fraternity, William Paterson University Chapter. The brothers of Sigma Pi shared their party experiences and relived their parties and sexual conquests through the GroupMe chat.

146. Defendant, Sigma Pi Fraternity, William Paterson University Chapter maintained absolutely no policy for preventing inactive members from attending its parties and social events and inactive brothers were given all privileges of active brothers and unfettered access to Sigma Pi parties.

147. This allowed Jamie Conklin to stay informed as to events happening with both the Defendant William Paterson University and Defendant Sigma Pi Fraternity, William Paterson University Chapter.

148. It is undisputed that after his expulsion from the Defendant Sigma Pi Fraternity, William Paterson University Chapter, Jamie Conklin continued to attend parties at the Sigma Pi Fraternity house, and social events hosted by the Defendant Sigma Pi Fraternity, William Paterson University Chapter.

149. Throughout the time in which Cherelle attended Defendant William Paterson University, Defendant Sigma Pi Fraternity, William Paterson University Chapter, had a reputation for slipping “roofies” into women’s drinks, and taking advantage of women sexually at their weekly Fraternity Mixers. Some sorority sisters refused to drink the alcohol provided by Sigma Pi for fear that it contained “roofies” or was tampered with.

150. Prior to the date that Cherelle was raped at a Sigma Pi party, a member of the Delta Phi Epsilon sorority was raped after consuming excessive amounts of alcohol at a Sigma Pi party she

attended. The sorority member reported the rape to William Paterson University and a Title IX investigation was conducted.

151. Jamie Conklin personally contributed to the reputation of Defendant Sigma Pi Fraternity, William Paterson University Chapter, as he was a recognizable Sigma Pi brother, who had a questionable reputation.

152. Throughout the time in which Cherelle attended Defendant William Paterson University, Jamie Conklin was known around campus for taking advantage of females, having sex with women without their consent, carrying drugs and has even been described as “creepy”.

153. By assuming supervisory authority and control over its chapters, including imposing on its chapters the obligation to not engage in sexist and sexually abusive behavior, requiring risk management training, plans, and procedures, and promulgating a crisis plan for its chapters to follow, Defendant Sigma Pi undertook to protect third parties, such as non-members attending local chapter functions or visiting local chapter houses, from the harm the foregoing were intended to prevent and thus, Sigma Pi owed a duty of care to Cherelle as a visitor to the Sigma Pi Local fraternity house, including an obligation to undertake the actions necessary to make the Sigma Pi Local fraternity house safe for invitees and guests such as Cherelle.

154. Defendant Sigma Pi Local and their related John and/or Jane Does breached their duties by, among other things, failing to.

- a. failing to adequately train members and officers of Sigma Pi on risk management, crisis management policies, and sexual abuse and rape prevention;
- b. failing to provide effective supervision and control over Sigma Pi and its members;
- c. failing to implement reasonable measures to enforce risk management policies to prevent sexual abuse and rape at the Sigma Pi Local fraternity house;

d. failing to support proper risk management, crisis management, and sexual abuse prevention and education;

e. failing to protect invitees from Jamie Conklin, who had a reputation for being sexual aggressive with women, and engaging in sexual intercourse without consent; and

f. other negligent acts and omissions.

155. As a direct and proximate result of the negligence of Defendant Sigma Pi Local and their related John and/or Jane Does, Cherelle was raped and sustained injuries for which Plaintiff is entitled to be compensated, including but not limited to (a) wrongful death; (b) pain and suffering, both physical and emotional; (c) psychological trauma and impairment; (d) medical bills and expenses; (e) interference with continuing education and lost educational time; (f) lost tuition; (g) impaired educational capacity; and (h) impaired earning capacity.

**WHEREFORE**, Plaintiff prays for judgment against Defendant Sigma Pi Local and their related John and/or Jane Does, individually, jointly, and severally, for the following relief:

- a. Compensatory damages in an amount to be determined at trial;
- b. Punitive damages;
- c. Interest;
- d. Reasonable attorney's fees;
- e. Costs of suit; and
- f. Such other relief as the Court may deem equitable and just.

**COUNT TEN  
NEGLIGENT SUPERVISION AGAINST FRATERNITY DEFENDANTS**

156. Plaintiff repeats, re-alleges, and incorporates the allegations set forth hereinabove in Paragraphs 1 through 155, as if set forth at length herein.

157. Throughout his time as a student at William Paterson and after his tenure as a student, Jamie Conklin held himself out as a member of the Sigma Pi Fraternity and was understood by the William Paterson community to be an agent and member of the fraternity. As such, Sigma Pi Local had actual and apparent authority over Conklin.

158. Defendant, Sigma Pi Local has failed to supervise, and discipline Jamie Conklin and other agents of Sigma Pi with regard to Sigma Pi social events and parties held by Sigma Pi.

159. Defendant, Sigma Pi Local was negligent in supervising, and disciplining Jamie Conklin and other agents of Sigma Pi in this matter, who they knew or should have known would act in a sexually violent nature, including the rape of Cherelle.

160. Defendant, Sigma Pi Local repeatedly allowed its members and agents to violate national and school rules governing alcohol and its use at Sigma Pi parties.

161. Defendant, Sigma Pi Local is liable for the aforesaid acts under the doctrine of respondeat superior and because they permitted conditions to exist which facilitated and/or permitted such conduct to occur.

162. Defendant, Sigma Pi Local is vicariously liable for its agents' including Jamie Conklin's intentional criminal acts because Sigma Pi itself was negligent and/or reckless and is liable to any persons who may fall normally and generally within a zone of risk created by the particular tortious conduct. Sigma Pi local is liable to all persons, including Cherelle who are foreseeably exposed to danger when the injury suffered was generally to be anticipated, although it was not the exact or most likely kind of injury that could have been predicted.

163. As a direct and proximate result of the negligence of Defendant Sigma Pi Local and their related John and/or Jane Does, Cherelle was raped and sustained injuries for which Plaintiff is entitled to be compensated, including but not limited to (a) wrongful death; (b) pain and suffering,

both physical and emotional; (c) psychological trauma and impairment; (d) medical bills and expenses; (e) interference with continuing education and lost educational time; (f) lost tuition; (g) impaired educational capacity; and (h) impaired earning capacity.

**WHEREFORE**, Plaintiff prays for judgment against Defendant Sigma Pi Local and their related John and/or Jane Does, individually, jointly, and severally, for the following relief:

- a. Compensatory damages in an amount to be determined at trial;
- b. Punitive damages;
- c. Interest;
- d. Reasonable attorney's fees;
- e. Costs of suit; and
- f. Such other relief as the Court may deem equitable and just.

**COUNT ELEVEN  
PREMISES LIABILITY AGAINST SIGMA PI LOCAL**

164. Plaintiff repeats, re-alleges, and incorporates the allegations set forth hereinabove in Paragraphs 1 through 163, as if set forth at length herein.

165. Defendant Sigma Pi Local failed to undertake actions necessary to make the Sigma Pi Local fraternity house safe for invitees and guests such as Cherelle.

166. At the time of the assault on her, Cherelle was lawfully and properly at Defendant Sigma Pi Local's fraternity house and had been invited to come to the house.

167. Defendant Sigma Pi Local owed a duty of care to Cherelle as a guest invited to the fraternity house.

168. Defendant Sigma Pi Local breached this duty of care by failing to protect Cherelle from Jamie Conklin who had a reputation throughout Defendant William Paterson University's campus

for both being sexual aggressive with women and for having sex with women without their consent.

169. As a direct and proximate result of Sigma Pi Local's negligent conduct, Cherelle was raped and sustained injuries for which she is entitled to be compensated, including but not limited to (a) wrongful death; (b) pain and suffering, both physical and emotional; (c) psychological trauma and impairment; (d) medical bills and expenses; (e) interference with continuing education and lost educational time; (f) lost tuition; (g) impaired educational capacity; and (h) impaired earning capacity.

**WHEREFORE**, the Plaintiff prays for judgment against Defendant Sigma Pi Local and its related John and/or Jane Does, individually, jointly, and severally, for the following relief:

- a. Compensatory damages in an amount to be determined at trial;
- b. Punitive damages;
- c. Interest;
- d. Reasonable attorney's fees;
- e. Costs of suit; and
- f. Such other relief as the Court may deem equitable and just.

**COUNT TWELVE  
RESPONDEAT SUPERIOR**

170. Plaintiff repeats, re-alleges, and incorporates the allegations set forth hereinabove in Paragraphs 1 through 169, as if set forth at length herein. The individual Defendants, President Waldron, Victim Services Coordinator Bivaletz, Mr. Fulleman, Sergeant DeSimone, Sergeant Arp, and John and/or Jane Does 1-30 were agents, employees, representatives, and/or servants of the non-individual Defendants, William Paterson University, the University Police Department, Sigma Pi Local.

171. As a result, the non-individual defendants, William Paterson University, the University Police Department, Sigma Pi Local are responsible for the improper actions and conduct of their agents, employees, representatives, members, visitors, and/or servants who are individual Defendants under the doctrine of vicarious liability.

172. As a direct and proximate result, Cherelle suffered wrongful death, suffered immeasurable physical and emotional injury prior to her death, was deprived of a college education and the ensuing benefits, and lost career opportunities and earning capacity, having suffered a deprivation of her constitutional rights guaranteed Article 1 of the New Jersey Constitution as made actionable through N.J.S.A. § 10:6-1 et seq.

**WHEREFORE**, Plaintiff prays for judgment against Defendants, individually, jointly and severally, for the following relief:

- a. Compensatory damages in an amount to be determined at trial;
- b. Punitive damages;
- c. Interest;
- d. Reasonable attorney's fees;
- e. Costs of suit; and
- f. Such other relief as the Court may deem equitable and just.

**COUNT THIRTEEN  
LOSS OF SERVICES**

173. Plaintiff repeats, re-alleges, and incorporates the allegations set forth hereinabove in Paragraphs 1 through 172, as if set forth at length herein.

174. As a result of the foregoing, Plaintiff, in her individual capacity, has suffered from the loss of comfort, society, and services of her daughter Cherelle Locklear.

**WHEREFORE**, Plaintiff prays for judgment against Defendants, individually, jointly, and severally, for the following relief:

- a. Compensatory damages;
- b. Reasonable Attorney's fees;
- c. Interest;
- d. Costs of suit; and
- e. Such further relief as the Court deems equitable and just.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests that the Court enter judgment in favor of Plaintiff and against Defendants, individually, jointly, and severally, as follows:

- a. Awarding Plaintiff the costs and disbursement of this action, including reasonable attorney's fees, expenses and other costs permitted by law, in amounts to be determined by the Court;
- b. Awarding prejudgment interest;
- c. Awarding compensatory damages in an amount to be proven at trial;
- d. Awarding punitive damages in an amount to be proven at trial; and
- e. Such other relief as to the Court appears just and proper.

**JURY DEMAND**

Plaintiff herein demands a trial by jury as to all issues.

**DESIGNATION OF TRIAL COUNSEL**

Peter W. Till, Esq, and Jay J. Rice, Esq. hereby are designated as trial counsel.

**LAW OFFICES OF PETER W. TILL**

Co-Counsel for Plaintiff Marquesa C. Jackson-Locklear, Individually and as Administratrix of the Estate of Cherelle Jovanna Locklear

Dated: May 24, 2018  
Peter W. Till, Esq.

By: /s/ Peter W. Till

**NAGEL RICE, LLP**

Co-Counsel for Plaintiff Marquesa C. Jackson-Locklear, Individually and as Administratrix of the Estate of Cherelle Jovanna Locklear

Dated: May 24, 2018  
Jay R. Rice, Esq.

By: /s/ Jay R. Rice

**CERTIFICATION**

I certify that to the best of my knowledge, the within matter in controversy is not the subject of any arbitration or other proceeding, nor is any other proceeding contemplated at this time. In addition, I certify that I know of no other parties who should be joined in this action.

**LAW OFFICES OF PETER W. TILL**

Co-Counsel for Plaintiff Marquesa C. Jackson-Locklear, Individually and as Administratrix of the Estate of Cherelle Jovanna Locklear

Dated: May 24, 2018  
Peter W. Till, Esq.

By: /s/ Peter W. Till

**NAGEL RICE, LLP**

Co-Counsel for Plaintiff Marquesa C. Jackson-Locklear, Individually and as Administratrix of the Estate of Cherelle Jovanna Locklear

Dated: May 24, 2018  
Jay R. Rice, Esq.

By: /s/ Jay R. Rice