



BGSU have a deeply engrained history of hazing that permeated the fraternity's pledge and initiation process. Indeed, when Stone began pledging PIKE, he and his family were unaware of the engrained hazing within the fraternity and its Delta Beta Chapter. Stone pledged the organization to further his networking and future business relationships.

4. During his brief period as a PIKE pledge, Stone was subjected to heinous acts of hazing. It culminated on March 4, 2021, when the members of PIKE ushered Stone and the other pledges into the basement of a Bowling Green home and forced him to drink an entire liter of Evan Williams bourbon during a fraternity "Big/Little" hazing ritual. Stone was told he had to finish the bottle and that active Chapter members would take care of him. Due to the forced drinking, Stone spent roughly three days in a coma and died on March 7, 2021, from fatal ethanol intoxication.

5. BGSU is responsible for Stone Foltz's death. For years, BGSU turned a blind eye to hazing within the Greek organizations on its campus while encouraging students like Stone to join its fraternities and sororities. For years, BGSU knew about PIKE's troubled history of hazing, both locally and nationally but did nothing about it. Indeed, as recently as 2019, BGSU became aware of PIKE's Big/Little hazing ritual but took no action against the fraternity. Despite its knowledge of PIKE's problematic and dangerous history and the exact hazing ritual that took Stone's life, BGSU, in direct dereliction of its duties, allowed PIKE to persist on its campus and subject BGSU students to deadly acts of hazing. Stone Foltz would not have died were it not for BGSU's gross recklessness, lax policies, lax enforcement of those policies, promotion of PIKE's Delta Beta Chapter, perfunctory "investigations," and willful inaction in the face of repeated warnings.

6. Even Wood County Judge Kuhlman who sat through a two-week trial of two of the eight active members charged with crimes said at sentencing that “if we are going to allow people who are 20 years old” to put an end to hazing “I don’t think we are going to get very far.” Bowling Green receives millions in fraternity alumni donations and receives additional income from Greek Village housing which perhaps explains why Bowling Green acts only after the hazing has already occurred. This case will be the model for requiring every University to institute far more proactive measures to stop hazing on college campuses.

### **THE PARTIES**

7. Plaintiff, The Estate of Stone J. Foltz, was opened in Delaware County, Ohio and Shari Foltz has been appointed as Administrator by the Delaware County Probate Court. Cory and Shari Foltz are Stone’s parents and Stone is also survived by two siblings and other family members.

8. Defendant Bowling Green State University (“BGSU”) is a public university in Bowling Green, Ohio. BGSU is a state university under R.C. 3345.12(a)(1), R.C. 3345.40, and as identified in R.C. 3345.011.

### **JURISDICTION & VENUE**

9. Under R.C. 2743.03, this Court has jurisdiction and venue is proper.

### **BACKGROUND FACTS**

#### **Stone Foltz and his family**

10. Stone was one of the most infectious and beloved young adults imaginable. He was born on November 21, 2000, in Westerville, Ohio to loving parents Cory and Shari (Williams) Foltz. Stone’s future was incredibly bright and unlimited.

11. Stone graduated from Buckeye Valley High School in 2019 where he played baseball, basketball, and lacrosse.

12. Stone enrolled in BGSU for the 2019-2020 academic year and was a member of the school's College of Business. He played intramural football and basketball at BGSU.

13. Stone was a devoted Ohio State Buckeye football fan and religiously followed the team on and off the field. He loved sharing highlights of great plays but loved it even more when Buckeye players did something special for someone off the field.

14. Stone cared deeply for his family and would always seek opportunities to spend time with them. He loved watching Buckeye football surrounded by his entire family.

15. Stone also enjoyed the outdoors and the water.

16. After graduating from college, Stone planned to move somewhere with a beach where he could live on the water and in the sunshine.

17. Stone was a kind and gentle person. His compassion for people and love for his family drove him to be a better version of himself every day. He always stood up for others when they didn't have the strength themselves. Stone found inner strength in striving to do the right thing.

18. Stone died at the age of 20 with his whole life in front of him.

19. In addition to his parents, Stone is survived by his brother AJ and sister Jersee, Aunt DJ Williams, and countless other loving friends and family.

## **BGSU and its promotion of Greek life**

20. At all times relevant to this Complaint, BGSU actively promoted and encouraged its students to join its Greek organizations, including the PIKE Delta Beta Chapter. Up until Stone's death, BGSU's Fraternity & Sorority Life webpage said the following<sup>1</sup>:



21. In other words, BGSU endorsed the notion that joining a fraternity or sorority would assist in getting the most out of the BGSU experience. In the wake of Stone's death, the above statement is now absent from the webpage.

22. BGSU's website encouraged students to join Greek organizations by stating that "students who join a fraternity or sorority can expect to participate in similar experiences that contribute to a well-rounded, fun, and enriching BGSU experience[.]"<sup>2</sup>

23. In the years leading up to Stone's death, BGSU chose to leave its prospective and current students, as well as the university community as a whole, ignorant of the specific risks Greek Life poses to students when they rushed, pledged, or participated as active members of BGSU-fraternities. BGSU went so far as to dissuade students, prospective students,

<sup>1</sup> See <https://web.archive.org/web/20210226032251/https://www.bgsu.edu/dean-of-students/fraternity-and-sorority-life.html> (Website from February 26, 2021).

<sup>2</sup> See <https://bit.ly/382kMvR>. (Website from February 26, 2021)

and their parents from considering the real risks known to BGSU and its staff, stating the following on a Greek Life FAQ webpage featured on the website of BGSU's Sorority & Fraternity Life Office:

**Be honest, what are the safety risks associated with membership in a fraternity or sorority?**

It can be perceived that membership in a fraternity or sorority may compromise a student's safety and well-being because of concerns related to the party culture, hazing, body image issues, among others. At BGSU, we are diligent in creating a positive environment so that these risks are prevented through clear policies and intentional education. In addition to having policies and regulations through their national organization, fraternities and sororities must also stay within accordance with BGSU's Code of Student Conduct which outlines clear policies regarding alcohol, hazing, event management, drugs, among others. These policies are in accordance with the state law of Ohio and are strictly enforced by BGSU administrators, leadership from the national headquarters, and members of the BGSU fraternity/sorority community themselves. All organizations have at least one alumni advisor to ensure the chapter is acting within accordance of policies. Additionally, every fraternity and sorority that is housed on campus has a live-in staff member who enforces policies, responds to crisis, and serves as a resource to members.

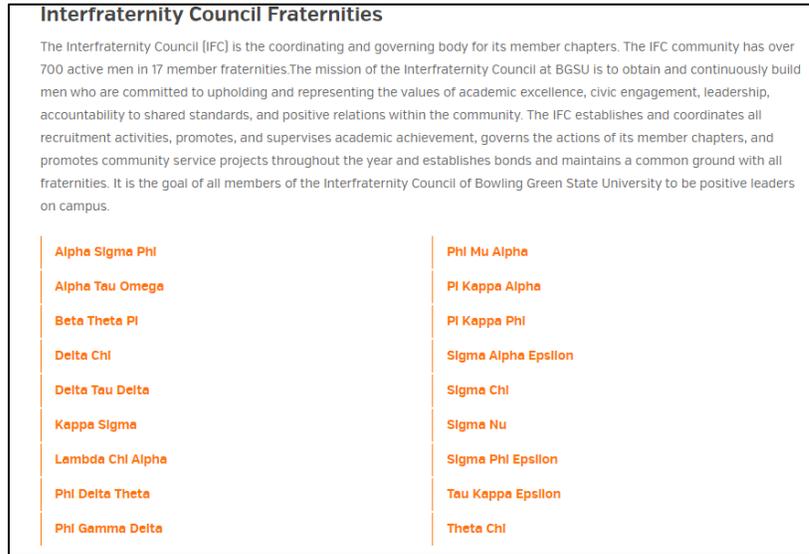
Beyond enforcing policies, the Fraternity & Sorority Life staff is committed to providing educational programming related to alcohol consumption and binge drinking, bystander behavior, body image, among many others to ensure that health and wellness are at the forefront of the fraternal experience. We also partner with several areas on campus that promote wellness and safety such as The Wellness Connection, the Counseling Center, and Student Conduct just to name a few.

24. BGSU also encouraged its students' parents to allow their children to join Greek life. In a note to parents and families, BGSU stated "It is important that you, as the parent or family member, be educated about the enriching experience that your son or daughter will find by being involved in a fraternity or sorority at BGSU."<sup>3</sup> BGSU also removed this statement from its website following Stone's death.

25. In the same portion of the website, BGSU reassured parents that their children would not be hazed and that BGSU had "zero tolerance" for hazing. That was not accurate.

<sup>3</sup> See <https://bit.ly/3MHnci8>. (Website from February 26, 2021).

26. BGSU’s website was also used to provide a list of Greek organizations on its campus that contained links to each fraternity and sorority website. In other words, free advertising for PIKE endorsed by BGSU.<sup>4</sup>



27. BGSU’s website provided resources on how students could join Greek organizations and BGSU held and endorsed events where fraternities, including PIKE, recruited members.<sup>5</sup>

28. BGSU’s website encouraged students to “Go Greek!” and provided every resource students needed to do so.

29. The aforementioned “How to join,” “Chapters,” and call to “Go Greek!” are also all now absent from BGSU’s website.

30. In 2016, BGSU opened the “Greek Village,” a \$32.7 million Greek housing project BGSU implemented to funnel students to Greek life and allow its Greek community to thrive. The Greek Village is considered on-campus housing and is home to 33

<sup>4</sup> See <https://bit.ly/3yeBsuT>. (Website from February 26, 2021).

<sup>5</sup> See <https://bit.ly/3Fc0BaX>. (Website from February 26, 2021).

chapters. The Greek Village created “a hub for chapter operations and a community for Fraternity and Sorority Life.”<sup>6</sup> PIKE’s now shuttered fraternity house was within Greek Village.

31. According to the architecture firm BGSU partnered with for Greek Village, BGSU built Greek Village to “enhance” its vibrant Greek community.<sup>7</sup> By choosing to live in Greek Village, students can move out of the dorms and still satisfy BGSU’s two-year on-campus residency requirement.

32. In sum, BGSU exercises substantial control over, and at all relevant times considered itself in partnership with, its registered fraternities by registering, supervising, and promoting fraternities, including through an Office of Sorority & Fraternity Life utilizing paid staff and volunteers.

33. As part of the substantial control BGSU exercises over its registered fraternities, BGSU has the ability and authority to establish rules regarding recruitment, rush, pledge, and initiation processes of each of its registered fraternities, including which BGSU students are eligible to pledge a registered fraternity, the permitted length of time for the pledge process for registered fraternities, and whether registered fraternities are permitted to require prospective members to complete a pledge process as a prerequisite for admission into the fraternities.

### **Hazing and Drinking Within BGSU’s Greek Community**

34. BGSU encourages its students to join Greek life despite its long-held knowledge that its Greek organizations haze.

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<sup>6</sup> See <https://bit.ly/3vCzH96>. (last visited June 21, 2022).

<sup>7</sup> See <https://bit.ly/3KCSKEI>. (last visited June 21, 2022).

35. In 1996, a pledge at Delta Tau Delta was treated for alcohol poisoning after a hazing incident.<sup>8</sup> A mere three years later, BGSU allowed Delta Tau Delta to return to its campus.

36. In 1999, Sigma Alpha Epsilon shut down the BGSU chapter for violating its hazing policy. BGSU allowed the fraternity to return to campus in 2004.<sup>9</sup>

37. In 2000, BGSU investigated hazing allegations involving alcohol at Phi Kappa Tau fraternity.<sup>10</sup> At the time, the BGSU student newspaper quoted a student as saying, “If we didn’t have hazing, our fraternities would be filled with underclassmen who don’t know how to hit a bong.”

38. In 2006, BGSU student relations investigated a hazing event at Kappa Alpha fraternity.<sup>11</sup>

39. In 2008, members of the Kappa Alpha Psi fraternity were disciplined for hazing after they hit bare-chested pledges with a wooden paddle.<sup>12</sup>

40. In 2010, a BGSU student wrote an article describing how hazing continued to be a problem on BGSU’s campus. In that article BGSU’s dean of students describes a hazing incident from 11 years ago where a BGSU fraternity forced pledges to wear diapers and squat against a wall. If the pledges answered questions incorrectly, the fraternity members hurled food at them.<sup>13</sup>

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<sup>8</sup> See <https://bit.ly/3w1MrFb>.

<sup>9</sup> See <https://bit.ly/3w4m2a5>.

<sup>10</sup> See <https://bit.ly/3y4TWHU>.

<sup>11</sup> See <https://bit.ly/3F8pCE2>.

<sup>12</sup> See <https://bit.ly/3MJPoRJ>.

<sup>13</sup> See <https://bit.ly/3s815cU>.

41. In December of 2010, Phi Kappa Tau had its charter rescinded for hazing new members. The fraternity was forcing pledges to consume alcohol and do wall sits and push-ups during a hazing ritual.<sup>14</sup>

42. In November 2017, BGSU received an anonymous report that Delta Tau Delta Fraternity had, for years, engaged in egregious hazing. The reporter described torturous instances of hazing, for example: active brothers locking pledges in a dark corner of the basement and blasting music repeatedly for hours on end; pledges being forced to act as “human gargoyles” by posing in demeaning and humiliating positions while being photographed, videotaped, and taunted by active members; pledges being forced to maintain a “Captain Morgan” statute stance, raising one leg and staying still while holding a heavy wooden board; active members forcing pledges during “hell week” to spell out the fraternity’s lengthy creed with miniscule paper dots created with a three-hole punch; pledges being forced to engage in rigorous, military-style physical activity for hours with little water, while being verbally assaulted by active members; and pledges being forced to place a scoop of Fancy Feast cat food in their lip like chewing tobacco before being interrogated by active members. In response, BGSU simply placed Delta Tau Delta Fraternity on University Warning Status. Obviously, that was not enough because the fraternity continued to haze. Finally, in July 2021, following Stone’s death, BGSU suspended Delta Tau Delta Fraternity for hazing.

43. In late 2017 and early 2018, it was reported that Phi Kappa Psi was engaging in hazing. During a camping trip, Phi Kappa Psi members required pledges to engage

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<sup>14</sup> See <https://bit.ly/3kATa3W>.

in acts of servitude while verbally humiliating them and hitting them with sticks. There were also reports of potential hazing involving alcohol.<sup>15</sup>

44. In spring of 2018, BGSU placed Delta Chi Fraternity on probation for hosting a social event where the fraternity served alcohol to minors. Bowling Green police discovered the event when they stopped a Delta Chi member carrying a visibly intoxicated underage female back to the Delta Chi house.

45. In fall of 2019, BGSU received an anonymous report of hazing at Delta Chi's sweetheart event. It was reported that fraternity members degraded the women competing to be Delta Chi's sweetheart by, among other things, (i) forcing them to chew tobacco; (ii) coercing them into saying homophobic and sexist slurs; and (iii) generally mocking them. In response, BGSU again merely placed Delta Chi on probation.

46. In October 2019, BGSU received a devastating report of fraternity conduct. Sigma Chi Fraternity members forced one of their "brothers" to chug a bottle of "Mad Dog" alcohol. Later that evening, the Sigma Chi member tried to hang himself in the Sigma Chi Fraternity house. Thankfully, he survived and was admitted to the hospital for several days. BGSU placed Sigma Chi on University Warning Status for a year. Again, that was clearly not enough because Delta Chi continued to haze its pledges. Finally, on July 29, 2021, after Stone's death, BGSU suspended Delta Chi Fraternity.

47. In fall of 2020, BGSU received an anonymous tip that Delta Chi used a house on campus as their "pledge dungeon" where they hazed pledges. Reports also detailed egregious hazing involving, for example, forcing pledges to consume hot sauce and illegally trespass on private property.

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<sup>15</sup> See <https://bit.ly/3w0Omdh>.

48. BGSU suspended Delta Chi in July 2021. While on suspension, and less than six months after Stone's death, Delta Chi hosted a three-day party at an off-campus house. An underage BGSU student was found passed out outside the party and required hospitalization for alcohol poisoning.

49. In October 2021, Phi Delta Theta hosted at least two large parties resulting in numerous hospitalizations stemming from alcohol poisoning. One of those individuals requiring medical treatment and/or police intervention was just 16 years old.

50. In early 2022, BGSU became aware of allegations that the Sigma Gamma Rho Sorority was hazing its pledges through physical acts of harm, forced consumption of alcohol, forced physical exercise, active deception, acts of servitude requiring illegal activity, and threats of physical harm if the activity was reported. As a result, BGSU recently expelled the Sigma Gamma Rho Sorority from campus.<sup>16</sup>

51. In April 2022, BGSU expelled Phi Gamma Delta after it was reported the fraternity was hazing its pledges using alcohol, sending at least one pledge to the hospital.<sup>17</sup>

### **The Pi Kappa Alpha Fraternity and its Long History of Hazing**

52. PIKE is a fraternity with over 310,000-lifetime initiates and 15,000 undergraduate members, with 208 active chapters and colonies in the United States and Canada.

53. Hazing continues to run rampant in PIKE Chapters around the country, and pledges continue to sustain injuries, and even death, as a result of the fraternity's hazing rituals. This fraternity has established a system that is toxic and dangerous to unsuspecting undergrads it persuades to pledge.

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<sup>16</sup> See <https://bit.ly/3ORTwB6>.

<sup>17</sup> See <https://bit.ly/3kw3p9B>.

54. For decades now, PIKE and its Chapters have experienced several known incidents of hazing and misconduct resulting in disciplinary actions by universities, civil suits, and serious injuries.

55. In 1965, a Georgetown College PIKE pledge drowned following a fraternity initiation event.<sup>18</sup>

56. In 1976, a PIKE pledge at Texas Tech University was hit and killed by a train while on a scavenger hunt put together by active members where a letter was put under a railroad tie.<sup>19</sup>

57. In 1989, the PIKE Chapter at Stetson University was suspended because an investigation found that its members “had degraded pledges, conducted a public stunt” and “inflicted mental abuse.”<sup>20</sup>

58. In 1991, members of the PIKE Chapter at the University of Texas-Austin were charged with and pled no contest to charges of illegal organizational hazing.<sup>21</sup>

59. In 1997, eight members of the PIKE Chapter at the University of Texas-Austin were arrested for hazing and the criminal charges included assault and terroristic threat.<sup>22</sup>

60. In 2001, Ohio University suspended its PIKE Chapter after members subjected pledges to dangerous levels of intoxication, resulting in five students requiring medical attention.<sup>23</sup>

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<sup>18</sup> See <https://bit.ly/3m9Hs05>.

<sup>19</sup> See <https://bit.ly/2Oh6tKe>.

<sup>20</sup> See <https://bit.ly/31BWv94>.

<sup>21</sup> See <https://nyti.ms/3maTmqe>.

<sup>22</sup> See <https://bit.ly/3rGXiR0>.

<sup>23</sup> See <https://bit.ly/3dlxxjU>.

61. In 2002, a PIKE pledge at the University of Nevada, Reno drowned during suspected hazing activities. As a result, UNR suspended the fraternity's recognition pending a review.<sup>24</sup>

62. In 2004, Southern Illinois University permanently banned PIKE from its campus after a pledge died during an unauthorized fraternity party. The University cited problems with the fraternity violating campus alcohol rules over the past 10 years.<sup>25</sup>

63. In 2008, the PIKE Chapter at Tulane University was suspended after a "Hell Night" hazing incident where two pledges received second-and third-degree burns from boiling water and crab boil being poured on their bodies.<sup>26</sup>

64. In 2011, Cal Poly Pomona instituted a three-year ban of PIKE after allegations surfaced that a pledge had been branded during a hazing ritual.<sup>27</sup>

65. In September 2012, the PIKE Chapter at the University of Tennessee was shut down by the University and had its charter withdrawn by PIKE national after a hazing incident involving an alcohol enema led to a student being hospitalized with a BAC of 0.448 g/dL.<sup>28</sup>

66. In December 2012, the PIKE Chapter at Northern Illinois University was suspended after a pledge was found dead in the fraternity house. The cause of death was

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<sup>24</sup> See <https://bit.ly/2QhUNaH>.

<sup>25</sup> See <https://bit.ly/3qVWK9w>.

<sup>26</sup> See <https://fxn.ws/3lpVUAq>.

<sup>27</sup> See <https://bit.ly/3eOSLcd>.

<sup>28</sup> See <https://cnn.it/3qW1CeH>.

attributed to cardiac arrhythmia, with alcohol intoxication as a significant contributing condition.<sup>29</sup>

67. In 2017, PIKE was indicted in connection with hazing that took place at the University of Houston. Pledges were reportedly forced to roll in vomit, spit, and feces, and had to go without food, drink, and sleep during a three-day ritual that the fraternity called “Ingress.”<sup>30</sup> As a result of the hazing activities, a pledge suffered a ruptured spleen and had to be hospitalized.

68. In March 2018, the University of Louisiana-Monroe suspended PIKE from its campus following a hazing incident involving a pledge.<sup>31</sup>

69. That same month, Southern Methodist University suspended PIKE for four and a half years because of a hazing ritual called “The Gauntlet” that included forcing new members to consume onions, hot sauce, eggs, and milk and requiring or encouraging pledges to drink alcohol.<sup>32</sup>

70. In 2019, the University of Texas chapter of PIKE was shut down following a University investigation into hazing allegations. As a result, the chapter was canceled for four years and placed on probation for two years after reinstatement. Fraternity pledges told University officials they were “shot with airsoft guns, forced to eat spicy soup made with ghost peppers and cat food, and compete in relay races where they would run back and forth between the chapter house and a nearby apartment building while chugging milk mixed with

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<sup>29</sup> See <https://bit.ly/2P3rE2a>.

<sup>30</sup> See <https://bit.ly/3low3ce>.

<sup>31</sup> See <https://bit.ly/3bTRFu0>.

<sup>32</sup> See <https://bit.ly/3loFrN7>.

hand soap, laundry detergent or vinaigrette. Pledges were also interrogated by active members while standing in troughs filled with ice...”<sup>33</sup>

71. In January 2021, The Ohio State University revoked the student organization status of its PIKE Chapter, leading to the revocation of the Chapter’s charter. The suspension followed citations for violating alcohol rules, engaging in endangering behavior, failing to comply with university or civil authority, violating university rules or federal, state, and local law, and student conduct system abuse.<sup>34</sup>

72. All of the above allegations about Pi Kappa Alpha were in the public domain and BGSU knew or should have known about them.

**The Pi Kappa Alpha Fraternity – Delta Beta Chapter at BGSU**

73. PIKE also has a long history of hazing at BGSU.

74. For years, BGSU allowed the Delta Beta Chapter to persist on its campus despite the Chapter’s known history of hazing and vile acts.

75. In 2005, PIKE lost its house after a hazing incident where a former PIKE member was sexually harassed by current PIKE members. PIKE members were charged with criminal mischief after two members forced their way into the former member’s room and took photographs defiling him.<sup>35</sup>

76. In 2010, PIKE was investigated for drunken fighting. But since the fighting occurred off-campus, BGSU brought no organizational charges against PIKE.<sup>36</sup>

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<sup>33</sup> See <https://bit.ly/3fyqO9a>.

<sup>34</sup> See <https://bit.ly/3cEYrmE>.

<sup>35</sup> See <https://bit.ly/3y9i8iS>.

<sup>36</sup> See <https://bit.ly/3kvXf9m>.

77. In 2016, BGSU gave PIKE a warning after PIKE threw a tailgate where it distributed alcohol. PIKE's president admitted to purchasing alcohol using proceeds from a GoFundMe the Chapter set up. BGSU slapped PIKE on the wrist and required it to conduct an alcohol education workshop for its members.

78. In October of 2018, PIKE members dressed in racially insensitive Halloween costumes at a party. The costumes outraged members of the Latino and Black Student Unions, and other students as well.

79. In December of 2018, a BGSU student made the following report to BGSU regarding PIKE's hazing:

I wish to completely remain anonymous in this tip however I have reason to believe that Pi Kappa Alpha fraternity hazed their pledges during at least the third night of initiation. My roommate is a new member of the fraternity and he told me Saturday the 1st afternoon that he had been up since 3 pm or so Friday the 30th. On Friday evening around 9:30, I walk down the hall of my dorm and there is a big ruckus of Pike new members hurriedly changing out of their professional attire into clothing of my roommate. They then proceeded to run out of an exit of the hallway frantically with the large group of people waiting down the hall. Before leaving, I asked my roommate why they were changing and running, to his short reply was "time trials". This evening (12/2), I was in a conversation with my brother in my fraternity and he told me a report that the new members were required to strip down into their underwear and all join each other into this large hole that had been dug. The new members were required to fight each other out of the hole and they were being pushed back in if they made it out of the hole.

80. In response, BGSU asked the PIKE pledge if it was true, accepted his denial, and determined there was not enough information to proceed with a Code of Student Conduct Investigation.

81. In February 2019, BGSU found alcohol riddled throughout PIKE's on-campus Greek house. After one meeting, BGSU determined it was an individual issue, not a chapter issue.

82. That same month, reports surfaced of PIKE hosting a party with an ice luge, a device used to pour and distribute shots of liquor. BGSU placed PIKE on “University Warning status” and made its members attend a presentation.

83. In May of 2020 an attendee at a PIKE party anonymously reported to BGSU that PIKE hosted four large parties in two weeks in direct violation of the Ohioans Protecting Ohioans Safety Order. After she posted a Snapchat from one of the parties, PIKE members cyber bullied her from burner phones. After an investigation that culminated with PIKE accepting responsibility, BGSU merely placed PIKE on probation through December of 2020.

84. On month after PIKE’s probation ended, PIKE threw a massive party where a stage collapsed. BGSU investigated the event and PIKE attempted to cover-up their association with the event and any wrongdoing. Rather than take prompt action, BGSU set PIKE’s formal hearing for March 16, 2021. The hearing never occurred because of Stone’s death.

#### **BGSU Knew About PIKE’s Big/Little Hazing Ritual**

85. Most damning, BGSU was on notice of the exact hazing ritual that took Stone Foltz’s life but did nothing about it.

86. In November 2019, BGSU received the following report about PIKE’s Big/Little hazing ritual:

Bowling Green State University houses a fraternity by the name of Pi Kappa Alpha. Here at this fraternity they force new pledges to drink a concoction of alcohol mixtures known as a “family drink.” I have witnessed first hand the aftermath of one of the pledges after a party called “big little party” where the new pledge vomited violently in his dorm room in Centennial hall, on the first floor in 2018. Not only this but it is well aware that this fraternity also keeps a record known as a “signature book”. This is books that contains signatures that works as a point system. The more signatures, the better you look. You can get a signature for doing whatever the upper class-men ask of you. It is has since been noted

the fraternity known as PIKE has been told numerous times they are not allowed to serve any type of alcohol at their parties that does not come in a prepackage can. This is due to the immense amount of drugging instances and sexual harassment.

In addition the men who work as bartenders are very eager to serve their own pledges and force them to drink a certain amount of drinks whilst at the bar. Lastly and most disrespectfully, the men of Pi Kappa Alpha chose to leave during a hazing presentation held on November 18th, 2019 instead of waiting till it was over.

87. More specifically, the reporter indicated that “to begin this is not only incidents that happened in 2018, ***this has been happening for years.***” [Emphasis added].

88. This report warranted a full and prompt investigation. What BGSU did instead was wholly inadequate and did not constitute active enforcement of a policy against hazing.

89. To “investigate,” it appears that BGSU interviewed two new members and the chapter president. Although there were clear and problematic inconsistencies in the parties’ statements, BGSU accepted the interviewees’ denial about forced drinking and decided there was not enough information to move forward with conduct violations.

90. Consistent with its past inaction and failure to actively enforce a policy against hazing, in the end, BGSU merely alerted PIKE national of the reports, without undertaking any action itself or performing a more thorough and adequate investigation.

91. In turn, the national fraternity gave the Delta Beta Chapter a slap on the wrist and placed them on probation from December 9, 2019, to May 8, 2020. The probation was futile because the Chapter simply picked up where they left off once the probationary period ended. Indeed, in February 2021, when a student complained to the Dean of Students about BGSU fraternity hazing culture, he specifically noted that he had reported concerns about PIKE’s hazing in the past and “nothing seemed to be done.”

92. After Stone Foltz’s death, BGSU conducted another investigation into the ritual and determined that “it is now apparent from this current investigation that an unsanctioned “Big/Little” event did occur during the fall 2018 semester and that there was an organized and concerted effort on behalf of the organization to deceive the investigators.” Given the inconsistent statements from the 2018 cursory review, BGSU was on notice of PIKE’s deception.

93. Tragically, it was too little too late. If BGSU had acted with the same urgency and diligence before Stone’s death, it could have saved his life.

94. In other words, had BGSU actively enforced its policy against hazing, Stone would be alive today.

#### **Stone Foltz Pledges PIKE Delta Beta Chapter**

95. At the time of his death, Stone was a PIKE pledge.

96. On February 18, 2021, there was a pledge event called “Pledge Education (Objects).” The event began at approximately 10:00 p.m. and Stone Foltz was forced to memorize and recite Pi Kappa Alpha’s Creed and/or Preamble and was not allowed to leave until approximately 2:00 a.m. on February 19, 2021.

97. Other events on the New Member calendar include “Pledge Education,” “Firepit,” “Bowling,” “Pledge Party,” “Serenade,” and “Wellness Day,” among others.

98. The New Member calendar culminates with three days of “Ingress” followed by “Initiate” on the final day of the schedule.

99. On March 4, 2021, around 9:00 p.m., Stone Foltz went to 318 North Main Street in Bowling Green, which served as an off-campus fraternity house for PIKE.

100. According to the Delta Beta Chapter’s New Member Handbook, two events were scheduled for March 4, 2021:

- a. “Pledge Ed, Round Robin Before Big/Little” which was categorized as an “Education” event; and
- b. “Big/Little” which was categorized as a “Ritual Event.”

101. After Stone Foltz arrived at 318 North Main Street, he and the other pledges discussed the pledge process during the Round Robin event.

102. Afterwards, active members blindfolded Stone Foltz and the other pledges and led them into a basement area while yelling and pushing to disorient them.

103. Stone Foltz’s “Big Brother” was PIKE member Jacob Krinn.

104. In the basement, Foltz removed his blindfold and Jacob Krinn provided a bottle of alcohol to Stone Foltz. Stone Foltz was then forced to consume the entire before he left the house.

105. Stone Foltz consumed the bottle of alcohol in as little as 18 minutes.

106. Around 10:00 p.m., Krinn and two others left 318 North Main Street with Stone Foltz. Krinn and the two others dropped Stone Foltz off at his apartment.

107. Around 10:30 p.m., Stone Foltz’s roommate—Wade McKenzie—came home and found Stone face-down on the couch in the living room. At the time, Stone was still breathing.

108. Wade McKenzie sat with him and kept watch to try and make sure he was safe. Wade also called Stone’s girlfriend, Maddy Borja, to come over and watch Stone.

109. Tragically, shortly after Maddy arrived, Stone Foltz stopped breathing and his face and ears turned purple and blue.

110. At 11:23:11 p.m., Maddy Borja called 911.

111. During the 911 call and before EMTs arrived, Wade McKenzie performed CPR.

112. EMTs arrived at 11:25:24 p.m. and began efforts to save Stone's life.

113. Stone Foltz was taken to Wood County Hospital and then transported by helicopter to ProMedica Hospital in Toledo, Ohio.

114. Unfortunately, due to the lack of oxygen for an extended period, doctors were unable to bring Stone Foltz back.

115. From March 5 until his death on March 7, 2021, doctors at ProMedica Hospital went through herculean efforts to prepare Stone's body for organ donation.

116. Through the selfless decision Stone made years ago to be an organ donor, he was able to donate his heart, lungs, a portion of the spleen, liver, kidneys, adrenal glands, and tissue so that others may have a second chance at life.

117. According to the Lucas County Coroner's autopsy report, Stone Foltz's blood alcohol content at admission was 0.394 g/dL.

118. The toxicology results show that there were no other drugs in his system.

119. The Lucas County Coroner ruled that Stone Foltz's cause of death was fatal ethanol intoxication which occurred during a college fraternity hazing ritual.

120. More specifically, the Coroner expressed the following opinion regarding the cause of Stone Foltz's death:

**It is my opinion that STONE FOLTZ died of FATAL ETHANOL INTOXICATION DURING HAZING INCIDENT. Manner of death: Accident - College fraternity induction ritual.**

**COUNT ONE – VIOLATION OF OHIO'S ANTI-HAZING STATUTE, R.C. 2307.44**

121. Plaintiff repeats and realleges the preceding paragraphs as if fully rewritten herein.

122. R.C. 2307.44 authorizes anyone who is subjected to hazing to commence a civil action for injury or damages, including mental and physical pain and suffering, which result from the hazing.

123. Under R.C. 2307.44, the “action may be brought against any participants in the hazing, any organization whose local or national directors, trustees, or officers authorized, requested, commanded, or tolerated the hazing, and any local or national director, trustee, or officer of the organization who authorized, requested, commanded, or tolerated the hazing.”

124. Further, “an action may also be brought against any administrator, employee, or faculty member of the school, university, college, or other educational institution who knew or reasonably should have known of the hazing and who did not make reasonable attempts to prevent it and against the school, university, college, or other educational institution. If an administrator, employee, or faculty member is found liable in a civil action for hazing, then notwithstanding Chapter 2743. of the Revised Code, the school, university, college, or other educational institution that employed the administrator, employee, or faculty member may also be held liable.”

125. In March 2021, Stone Foltz was enrolled as a student at BGSU and was a PIKE pledge.

126. As more fully described above, Stone Foltz was hazed by PIKE members in violation of R.C. 2307.44.

127. As more fully described above, BGSU knew or reasonably should have known of the hazing, more fully described above, and did not take reasonable steps to prevent it.

128. BGSU failed to actively enforce a policy against hazing with respect to the Delta Beta Chapter of Pi Kappa Alpha and R.C. 2307.44 makes clear that BGSU cannot attempt to blame Stone for the hazing he was subjected to.

129. As a direct and proximate result of BGSU's unlawful conduct, Stone Foltz suffered a wrongful death and conscious pain and suffering, and his Estate has sustained economic loss, pain and suffering, loss of consortium, mental anguish, loss of services, and all other remedies permitted under Ohio law.

**COUNT TWO – SURVIVAL ACTION AND WRONGFUL DEATH (NEGLIGENCE)**

130. Plaintiff repeats and realleges the preceding paragraphs as if fully rewritten herein.

131. BGSU, individually and through its agents, by allowing, registering, supervising, and promoting the PIKE Delta Beta Chapter, undertook and owed duties to Stone and his fellow pledges to allow, register, supervise, and promote the PIKE Delta Beta Chapter, and the activities of its members, in a reasonably prudent manner to protect against illegal hazing and other misconduct. Alternatively, BGSU assumed such duties.

132. Moreover, BGSU had a duty to protect its students from foreseeable harm, warn its students of foreseeable harm, and to properly implement and enforce policies and procedures to prevent hazing. BGSU continuously promoted, sanctioned, and recognized PIKE Delta Beta Chapter despite being aware of continuing violations of alcohol, hazing, and other student conduct code rules, including the exact Big Little hazing ritual that claimed Stone's life. BGSU continued to entrust supervision to ill-equipped, untrained, and ineffective university departments. BGSU breached its duties to their students when they failed to curtail ongoing dangerous activities, including but not limited to excessive alcohol consumption and hazing.

133. Stating further, BGSU breached its duties, was negligent, and increased the risk of harm to Stone, by *inter alia*:

a. relying on underage, untrained members, who had themselves participated in bid, pledge, and other initiation rituals involving hazing and other misconduct and who had taken oaths of secrecy and loyalty to the brotherhood of their fraternity to manage the Pike Delta Beta Chapter, its activities, the enforcement of BGSU rules, policies, and codes of conduct;

b. failing to accurately disclose all risks and incidents involving student injury, hazing, and violation by the Pike Delta Beta Chapter of BGSU rules, policies, and codes of conduct to students and their families, while, on the other hand, providing only promotional, misleading materials and information dissuading students and families from considering the risks;

c. failing to provide effective supervision over the Pike Delta Beta Chapter officers and members and the pledge activities and rituals authorized, directed, and participated in by those officers and members, despite having actual knowledge of a history of misconduct involving hazing and by the Pike Delta Beta Chapter and its members in the years preceding Stone's hazing and death;

d. failing to implement or enforce reasonable measures to enforce state laws, and BGSU policies, rules, and codes of conduct;

e. failing to implement or enforce reasonable measures to stop hazing activities that BGSU knew, or should have known, were occurring within the Pike Delta Beta Chapter;

f. failing to effectively or adequately discipline the Pike Delta Beta Chapter members for engaging in hazing and other misconduct and illegal activities in the years preceding Stone's death;

g. performing a perfunctory investigation into the PIKE Delta Beta Chapter Big/Little hazing ritual before taking no punitive measures; and

h. was otherwise negligent

134. It was foreseeable that a pledge, including Stone Foltz, could be injured or die because of the Big/Little Night, which BGSU had been on notice of since at least 2019.

135. By virtue of the doctrine of *respondeat superior* and the doctrine of agency by estoppel, Defendant BGSU is liable for the negligent acts and omissions of its

employees and agents, including but not limited to: President Rodney K. Rogers, Dean of Students Christopher H. Bullins, Associate Dean of Students Jeremy Zilmer, and/or Associate Director of Student Engagement (formerly Assistant Dean of Students) Stacey Allan.

136. As a direct and proximate result of Defendants' unlawful conduct, Stone Foltz suffered a wrongful death and conscious pain and suffering and his Estate has sustained economic loss, pain and suffering, loss of consortium, mental anguish, loss of services, and all other remedies permitted under Ohio law.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff requests that this Court award Judgment as follows:

- (a) Compensatory damages on each claim set forth in the Complaint in excess of \$25,000.00; (this is the jurisdictional minimum required for a complaint in Ohio as plaintiff will seek a Judgment of substantially more at trial to reflect the value of the loss of this young life); and
- (b) For costs, prejudgment interest, post-judgment interest, and other such relief as the Court deems just and equitable.

Respectfully submitted,

/s/ Rex H. Elliott

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