SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

JANE DOE,

Plaintiff,

-against-

CORNELL UNIVERSITY, INC., CHI PHI CHAPTER HOUSE ASSOCIATION, CHI PHI FRATERNITY, INC., CHI PHI EDUCATIONAL TRUST, ALPHA BETA HOUSE CORPORATION OF DELTA DELTA DELTA, DELTA DELTA DELTA SORORITY, [redacted], CUTIVE BOARD), and [redacted],

Defendants.

Index No.:

SUMMONS

Plaintiff designates NEW YORK County as the place of trial. Venue is based on the location in which Plaintiff currently resides.

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer, or, if the Complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: New York, New York
September 14, 2026

RHEINGOLD GIUFFRA RUFFO
PLOTKIN & HELLMAN LLP
Attorneys for Plaintiff



By: Thomas P. Giuffra, Esq.
551 Fifth Avenue, 29th Fl.
New York, NY 10176
Tel: [redacted]

COCHRUN & SEALS, LLC
Attorneys for Plaintiff
(Pro Hac Vice pending)

/s/ W. Whitney Seals

By: W. Whitney Seals, Esq.
P.O. Box 10448
Birmingham, AL 35202-0448
Tel: [redacted]

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

JANE DOE, Plaintiff, -against- CORNELL UNIVERSITY, INC., CHI PHI CHAPTER HOUSE ASSOCIATION, CHI PHI FRATERNITY, INC., CHI PHI EDUCATIONAL TRUST, ALPHA BETA HOUSE CORPORATION OF DELTA DELTA DELTA, DELTA DELTA DELTA SORORITY, ZAREEN E [redacted], (EXECUTIVE BOARD), and [redacted], Defendants.	Index No.: **COMPLAINT** PLAINTIFF DEMANDS A TRIAL BY JURY

Plaintiff JANE DOE complaining of the Defendants by her attorneys RHEINGOLD GIUFFRA RUFFO PLOTKIN & HELLMAN LLP, and COCHRUN & SEALS, LLC (Pro Hac Vice pending), respectfully alleges, upon information and belief, the following:

NATURE OF THE ACTION

1. This complaint is based on the negligent, willful, or intentional failure of the Defendants CORNELL UNIVERSITY, INC., CHI PHI CHAPTER HOUSE ASSOCIATION, CHI PHI FRATERNITY, INC., CHI PHI EDUCATIONAL TRUST, ALPHA BETA HOUSE CORPORATION OF DELTA DELTA DELTA, DELTA DELTA DELTA SORORITY, JOHN DOE (FACULTY), JOHN DOE (ALUMNI), JOHN DOES (EXECUTIVE BOARD), and [redacted], their employees, agents, and/or servants, to protect Plaintiff JANE DOE from being sexually assaulted and raped by multiple members of the Xi Chapter of Chi Phi Fraternity at Cornell University, while at the Chi Phi Fraternity house on Cornell University's campus, as well as against those individuals, Defendants [redacted], [redacted],

[redacted], and [redacted], who perpetrated such heinous criminal sexual acts against Plaintiff therein.

2. This complaint also contains allegations against Defendant CORNELL UNIVERSITY, INC., for breach of contract.

3. This complaint also contains allegations against Defendants ALPHA BETA HOUSE CORPORATION OF DELTA DELTA DELTA and DELTA DELTA DELTA SORORITY, for breach of contract.

4. This complaint also contains allegations against Defendant CORNELL UNIVERSITY, INC., for violations of New York State Human Rights Law (NYSHRL), Executive (EXC) Chapter 18, Article 15, Section 296 et seq.

5. This complaint also contains allegations against Defendant CORNELL UNIVERSITY, INC., for violations of New York Education Law (EDN) § 6440.

6. This complaint also contains allegations against Defendants [redacted], and [redacted], and each of them, for their sexual assault and rape of Plaintiff, pursuant to the protections afforded by CPLR 213-c.

7. This complaint also contains allegations against Defendant ZAREEN ENTERPRISE LLC d/b/a MOONIES BAR & NIGHTCLUB, their employees, agents, and/or servants, for causes of action pursuant to New York's Dram Shop Act, General Obligations Law §§11-100 – 11-101, as well as others under the theory of negligence.

PARTIES

8. That at all relevant times, Plaintiff JANE DOE (hereinafter "DOE") was a 20-year-old adult female.

9. That at all relevant times, Defendant CORNELL UNIVERSITY, INC. (hereinafter "CORNELL") was and is a private institution of higher education with address in New York City and Ithaca, New York.

10. That at all relevant times, CORNELL maintained, operated and controlled the private ivy-league university known as Cornell University, with a mailing address of 616 Thurston Avenue, Ithaca, New York 14853.

11. That at all relevant times, Plaintiff was a full-time undergraduate student attending CORNELL's Cornell University located in Ithaca, New York.

12. That at all relevant times, Plaintiff resided on CORNELL's campus.

13. That at all relevant times, CORNELL maintained a private police department known as Cornell University Police, with its primary office located at 117 Statler Dr, Ithaca, New York 14853.

14. That at all relevant times, CORNELL maintained a Division of Public Safety, with its primary office located at 245 East Hill Office Building, Ithaca, New York 14852.

15. That at all relevant times, CORNELL maintained the SHARE Office within the Skorton Center for Health Initiatives located at 410 Thurston Avenue, Ithaca, New York 14850.

16. That at all relevant times, CORNELL held itself out to the public, and more particularly to Plaintiff herein, as possessing the proper degree of safety measure to adequately protect its students and to use reasonable care and diligence in its monitoring and policing of its campus and those utilizing said campus.

17. That at all relevant times, while Plaintiff was attending and lawfully located on CORNELL's campus, of which CORNELL had and has complete control, she was sexually assaulted and raped by fellow Cornell University students at the fraternity house known as Chi Phi

Fraternity located at 107 Edgemoor Ln, Ithaca, New York 14850.

18. That at all relevant times, CORNELL owned, managed, operated, and/or controlled the subject Chi Phi Fraternity house, as it was and is situated on CORNELL's property.

19. That at all relevant times, CHI PHI CHAPTER HOUSE ASSOCIATION (hereinafter "XI CHAPTER") was and is a Chapter of the international men's fraternity (aka fraternity) known as Chi Phi Fraternity which is managed, owned, and/or controlled by Defendants CHI PHI FRATERNITY, INC., and CHI PHI EDUCATIONAL TRUST (hereinafter jointly referred to as "CHI PHI NATIONAL"),

20. That at all relevant times, XI CHAPTER's Executive Offices are located at 801 Hudson St, Hoboken, New Jersey 07030.

21. That at all relevant times, XI CHAPTER was and is a domestic not-for-profit corporation duly organized and existing under New York law with its principal place of business in Ithaca, New York.

22. That at all relevant times, XI CHAPTER owned, managed, operated, and/or controlled the Xi Chapter of Chi Phi at Cornell University's house located at 107 Edgemoor Ln, Ithaca, New York 14850.

23. That at all relevant times, XI CHAPTER maintained and controlled a regional chapter of its parent organization, known as the Xi Chapter of Chi Phi Fraternity at Cornell University.

24. That at all relevant times, XI CHAPTER maintained and controlled a residential house on Cornell University's campus for the Xi Chapter's use, located at 107 Edgemoor Ln, Ithaca, New York 14850.

25. That at all relevant times, XI CHAPTER held itself out to the public, and more

particularly to Plaintiff herein, as possessing the proper degree of safety measure to adequately protect its invitees and/or guests and to use reasonable care and diligence in its monitoring and policing of the Xi Chapter's house and those living in and utilizing said house.

26. That at all relevant times, while Plaintiff was lawfully within XI CHAPTER's house, of which XI CHAPTER had and has complete control, she was plied with alcohol and drugs to the point of intoxication by members of XI CHAPTER's fraternal organization, which resulted in Plaintiff being sexually assaulted and raped by members of XI CHAPTER's regional fraternal organization at Cornell University, operating out of the fraternity house known as Chi Phi Fraternity located at 107 Edgemoor Ln, Ithaca, New York 14850.

27. That at all relevant times, CHI PHI FRATERNITY, INC., was and is a domestic business corporation duly organized and existing under Georgia law with its principal place of business in Roswell, Georgia.

28. That at all relevant times, CHI PHI FRATERNITY, INC., owned, managed, operated, and/or controlled XI CHAPTER, a regional chapter of its fraternal organization, operating out of the Xi Chapter of Chi Phi at Cornell University's house located at 107 Edgemoor Ln, Ithaca, New York 14850.

29. That at all relevant times, CHI PHI EDUCATIONAL TRUST was and is a domestic not-for-profit corporation duly organized and existing under Georgia law with its principal place of business in Roswell, Georgia.

30. That at all relevant times, CHI PHI EDUCATIONAL TRUST owned, managed, operated, and/or controlled XI CHAPTER, a regional chapter of its fraternal organization, operating out of the Xi Chapter of Chi Phi at Cornell University's house located at 107 Edgemoor Ln, Ithaca, New York 14850.

31. That at all relevant times, CHI PHI FRATERNITY, INC., and CHI PHI EDUCATIONAL TRUST operate jointly as one business entity known as Chi Phi Fraternity (hereinafter jointly referred to as "CHI PHI NATIONAL"), with its Executive Offices located at 885 Woodstock Rd Suite 430-389, Roswell, GA 30075.

32. That at all relevant times, CHI PHI NATIONAL maintained and controlled a regional chapter of its parent organization, known as the Xi Chapter of Chi Phi Fraternity at Cornell University.

33. That at all relevant times, CHI PHI NATIONAL maintained and controlled a residential house on Cornell University's campus for the Xi Chapter's use, located at 107 Edgemoor Ln, Ithaca, New York 14850.

34. That at all relevant times, CHI PHI NATIONAL held itself out to the public, and more particularly to Plaintiff herein, as possessing the proper degree of safety measure to adequately protect its invitees and/or guests and to use reasonable care and diligence in its monitoring and policing of the Xi Chapter's house and those living in and utilizing said house.

35. That at all relevant times, while Plaintiff was lawfully within CHI PHI NATIONAL's house, of which CHI PHI NATIONAL had and has complete control, she was plied with alcohol and drugs to the point of intoxication by members of CHI PHI NATIONAL's fraternal organization, which resulted in Plaintiff being sexually assaulted and raped by members of XI CHI PHI NATIONAL's regional fraternal organization at Cornell University, operating out of the fraternity house known as Chi Phi Fraternity located at 107 Edgemoor Ln, Ithaca, New York 14850.

36. That at all relevant times, ALPHA BETA HOUSE CORPORATION OF DELTA DELTA DELTA (hereinafter "ALPHA BETA CHAPTER") was and is a Chapter of the

international women's fraternal organization (aka sorority) known as known as Delta Delta Delta Sorority, which is managed, owned, and/or controlled by Defendant DELTA DELTA DELTA SORORITY (hereinafter "TRI-DELTA NATIONAL").

37. That at all relevant times, ALPHA BETA CHAPTER was and is a domestic not-for-profit corporation duly organized and existing under New York law with its principal place of business in Ithaca, New York.

38. That at all relevant times, ALPHA BETA CHAPTER owned and operated the Alpha Beta Chapter of Tri Delta at Cornell University's house located at 118 Triphammer Road, Ithaca, New York 14580.

39. That at all relevant times, ALPHA BETA CHAPTER maintained and controlled the regional chapter of Tri Delta's fraternal organization, known as the Alpha Beta Chapter of Tri Delta at Cornell University.

40. That at all relevant times, ALPHA BETA CHAPTER maintained and controlled a residential house on Cornell University's campus for the Alpha Beta Chapter's use, located at 118 Triphammer Rd, Ithaca, New York 14850.

41. That at all relevant times, Plaintiff was a member of ALPHA BETA CHAPTER's regional sorority chapter at Cornell University.

42. That at all relevant times, Plaintiff resided in ALPHA BETA CHAPTER's house on Cornell University campus, located at 118 Triphammer Rd, Ithaca, New York 14850.

43. That at all relevant times, ALPHA BETA CHAPTER held itself out to the public, and more particularly to Plaintiff herein, as possessing the proper degree of safety measure to adequately protect its members and to use reasonable care and diligence in its monitoring and policing of the Alpha Beta Chapter's house and those living in and utilizing said house.

44. That at all relevant times, while Plaintiff was a member of ALPHA BETA CHAPTER and while Plaintiff was residing in ALPHA BETA CHAPTER's house, of which ALPHA BETA CHAPTER had and has complete control, Plaintiff had become intoxicated, and the house mother employed by ALPHA BETA CHAPTER observed Plaintiff in that intoxicated state and nevertheless took Plaintiff to MOONIES in downtown Ithaca, NY, which resulted in Plaintiff being sexually assaulted and raped by fellow Cornell University students at the fraternity house known as Chi Phi Fraternity located at 107 Edgemoor Ln, Ithaca, New York 14850.

45. That at all relevant times, TRI-DELTA NATIONAL was and is a domestic business corporation duly organized and existing under Texas law with its principal place of business located at 14951 Dallas Pkwy #500, Dallas, Texas 75254.

46. That at all relevant times, TRI-DELTA NATIONAL owned and operated the Alpha Beta Chapter of Tri Delta at Cornell University's house located at 118 Triphammer Road, Ithaca, New York 14580.

47. That at all relevant times, TRI-DELTA NATIONAL maintained and controlled the regional chapter of Tri Delta's fraternal organization, known as the Alpha Beta Chapter of Tri Delta at Cornell University.

48. That at all relevant times, TRI-DELTA NATIONAL maintained and controlled a residential house on Cornell University's campus for the Alpha Beta Chapter's use, located at 118 Triphammer Rd, Ithaca, New York 14850.

49. That at all relevant times, Plaintiff was a member of TRI-DELTA NATIONAL's Alpha Beta Chapter at Cornell University.

50. That at all relevant times, Plaintiff resided in TRI-DELTA NATIONAL's Alpha Beta Chapter's house on Cornell University campus, located at 118 Triphammer Rd, Ithaca, New

York 14850.

51. That at all relevant times, TRI-DELTA NATIONAL held itself out to the public, and more particularly to Plaintiff herein, as possessing the proper degree of safety measure to adequately protect its members and to use reasonable care and diligence in its monitoring and policing of the Alpha Beta Chapter's house and those living in and utilizing said house.

52. That at all relevant times, while Plaintiff was a member of TRI-DELTA NATIONAL's Alpha Beta Chapter and while Plaintiff was residing in TRI-DELTA NATIONAL's Alpha Beta Chapter's house, of which TRI-DELTA NATIONAL had and has complete control, Plaintiff had become intoxicated, and the house mother employed by TRI-DELTA NATIONAL observed Plaintiff in that intoxicated state and nevertheless took Plaintiff to MOONIES in downtown Ithaca, NY, which resulted in Plaintiff being sexually assaulted and raped by fellow Cornell University students at the fraternity house known as Chi Phi Fraternity located at 107 Edgemoor Ln, Ithaca, New York 14850.

53. That at all relevant times, JOHN DOE (FACULTY) (hereinafter "FACULTY") was and is the designated faculty advisor appointed by CORNELL as the official liaison between XI CHAPTER and Cornell University.

54. That at all relevant times, FACULTY, as faculty advisor, was and is assigned by CORNELL to oversee XI CHAPTER, the Cornell University regional chapter of CHI PHI NATIONAL's international fraternal organization.

55. That at all relevant times, FACULTY, as faculty advisor, was and is a university employee, employed directly by CORNELL as a professor, lecturer, administrator, and/or other faculty member.

56. That at all relevant times, CORNELL was and is vicariously liable under respondeat

superior for the negligent acts and omissions of FACULTY.

57. That at all relevant times, FACULTY, as faculty advisor, was responsible for supervising and maintaining in a safe condition XI CHAPTER's fraternity house and its members thereat, located 118 Triphammer Rd, Ithaca, New York 14850, situated within the confines of CORNELL's university campus,

58. That at all relevant times, FACULTY, as faculty advisor, held themself out to the public, and more particularly to Plaintiff herein, as possessing the proper degree of knowledge and training to adequately protect CORNELL's students, including Plaintiff herein, and to use reasonable care and diligence in its monitoring and policing of XI CHAPTER's fraternity house and those fraternity members living in and utilizing said house.

59. That at all relevant times, while Plaintiff was lawfully within XI CHAPTER's house, of which FACULTY, as faculty advisor, breached their duty to supervise and maintain XI CHAPTER's fraternity house in a safe condition, as Plaintiff was plied with alcohol and drugs to the point of intoxication by members of XI CHAPTER's fraternal organization, which resulted in Plaintiff being sexually assaulted and raped by members of XI CHAPTER's regional fraternal organization at Cornell University, operating out of the fraternity house known as Chi Phi Fraternity located at 107 Edgemoor Ln, Ithaca, New York 14850.

60. That at all relevant times, JOHN DOE (ALUMNI) (hereinafter "ALUMNI") was and is the designated alumni advisor appointed by CHI PHI NATIONAL as the official liaison between XI CHAPTER and CHI PHI NATIONAL.

61. That at all relevant times, ALUMNI, as alumni advisor, was and is assigned by CHI PHI NATIONAL to oversee XI CHAPTER, the Cornell University regional chapter of CHI PHI NATIONAL's international fraternal organization.

62. That at all relevant times, ALUMNI, as alumni advisor, was acting as an agent and/or employee of CHI PHI NATIONAL.

63. That at all relevant times, CHI PHI NATIONAL was and is vicariously liable under respondeat superior for the negligent acts and omissions of ALUMNI.

64. That at all relevant times, ALUMNI, as alumni advisor, was responsible for supervising and maintaining in a safe condition XI CHAPTER's fraternity house and its members thereat, located 118 Triphammer Rd, Ithaca, New York 14850, situated within the confines of CORNELL's university campus.

65. That at all relevant times, ALUMNI, as alumni advisor, held themself out to the public, and more particularly to Plaintiff herein, as possessing the proper degree of knowledge and training to adequately protect CORNELL's students, including Plaintiff herein, and to use reasonable care and diligence in its monitoring and policing of XI CHAPTER's fraternity house and those fraternity members living in and utilizing said house.

66. That at all relevant times, while Plaintiff was lawfully within XI CHAPTER's house, of which ALUMNI, as alumni advisor, breached their duty to supervise and maintain XI CHAPTER's fraternity house in a safe condition, as Plaintiff was plied with alcohol and drugs to the point of intoxication by members of XI CHAPTER's fraternal organization, which resulted in Plaintiff being sexually assaulted and raped by members of XI CHAPTER, CHI PHI NATIONAL's regional fraternal organization at Cornell University, operating out of the fraternity house known as Chi Phi Fraternity located at 107 Edgemoor Ln, Ithaca, New York 14850.

67. That at all relevant times, JOHN DOES (EXEC) (hereinafter jointly "EXEC") was and is the cumulative Executive Board of XI CHAPTER, the regional chapter of CHI PHI NATIONAL upon CORNELL's university campus, operating out of the fraternity house known

as Chi Phi Fraternity located at 107 Edgemoor Ln, Ithaca, New York 14850.

68. That at all relevant times, EXEC was and is comprised of a group of elected XI CHAPTER members who run the day-to-day operations of the Xi Chapter of Chi Phi Fraternity, the regional chapter of CHI PHI NATIONAL upon CORNELL's university campus, operating out of the fraternity house known as Chi Phi Fraternity located at 107 Edgemoor Ln, Ithaca, New York 14850.

69. That at all relevant times, EXEC was and is comprised of officers with titles such as: President, Vice President, Treasurer, Secretary, Risk Manager, Recruitment Chair, Social Chair, among other executive titles.

70. That at all relevant times, EXEC was and is subject to CHI PHI NATIONAL's constitution and bylaws as well as XI CHAPTER's regional constitution and bylaws.

71. That at all relevant times, EXEC was and is subject to CORNELL's constitution, bylaws, code of conduct, and student organizational rules and regulations.

72. That at all relevant times, EXEC was responsible for supervising and maintaining in a safe condition, XI CHAPTER's fraternity house and its members thereat, located 118 Triphammer Rd, Ithaca, New York 14850, situated within the confines of CORNELL's university campus,

73. That at all relevant times, EXEC held themself out to the public, and more particularly to Plaintiff herein, as possessing the proper degree of knowledge and training to adequately protect CORNELL's students, including Plaintiff herein, and to use reasonable care and diligence in its monitoring and policing of XI CHAPTER's fraternity house and those fraternity members living in and utilizing said house.

74. That at all relevant times, while Plaintiff was lawfully within XI CHAPTER's

house, of which EXEC breached their duty to supervise and maintain XI CHAPTER's fraternity house in a safe condition, as Plaintiff was plied with alcohol and drugs to the point of intoxication by members of XI CHAPTER's fraternal organization, which resulted in Plaintiff being sexually assaulted and raped by members of XI CHAPTER's regional fraternal organization at Cornell University, operating out of the fraternity house known as Chi Phi Fraternity located at 107 Edgemoor Ln, Ithaca, New York 14850.

75. That at all relevant times, [redacted] (hereinafter "[redacted]") was and is the elected President of the Executive Board of XI CHAPTER, the regional chapter of CHI PHI NATIONAL upon CORNELL's university campus, operating out of the fraternity house known as Chi Phi Fraternity located at 107 Edgemoor Ln, Ithaca, New York 14850.

76. That at all relevant times, [redacted] was and is a CORNELL student, as well as a member of XI CHAPTER, the regional chapter of the greater CHI PHI NATIONAL.

77. That at all relevant times, [redacted] was and is subject to CHI PHI NATIONAL's constitution and bylaws as well as XI CHAPTER's regional constitution and bylaws.

78. That at all relevant times, [redacted] was and is subject to CORNELL's constitution, bylaws, code of conduct, and student organizational rules and regulations.

79. That at all relevant times, [redacted] was responsible for supervising and maintaining in a safe condition, XI CHAPTER's fraternity house and its members thereat, located 118 Triphammer Rd, Ithaca, New York 14850, situated within the confines of CORNELL's university campus,

80. That at all relevant times, [redacted] held himself out to the public, and more particularly to Plaintiff herein, as possessing the proper degree of knowledge and training to adequately protect CORNELL's students, including Plaintiff herein, and to use reasonable care

and diligence in its monitoring and policing of XI CHAPTER's fraternity house and those fraternity members living in and utilizing said house.

81. That at all relevant times, while Plaintiff was lawfully within XI CHAPTER's house, of which [redacted] breached his duty to supervise and maintain XI CHAPTER's fraternity house in a safe condition, as Plaintiff was plied with alcohol and drugs to the point of intoxication by members of XI CHAPTER's fraternal organization, which resulted in Plaintiff being sexually assaulted and raped by members of XI CHAPTER's regional fraternal organization at Cornell University, operating out of the fraternity house known as Chi Phi Fraternity located at 107 Edgemoor Ln, Ithaca, New York 14850.

82. That at all relevant times, Defendant ZAREEN ENTERPRISE LLC d/b/a MOONIES BAR & NIGHTCLUB (hereinafter "MOONIES") was and is a domestic limited liability company with its principal address located at 409 Eddy Street, Ithaca, New York, 14850.

83. That at all relevant times, Defendant MOONIES maintained, controlled, and operated Moonies Bar & Nightclub located at 114 E State Street, Ithaca, New York 14850.

84. That at all relevant times, MOONIES maintained a liquor license for Moonies Bar & Nightclub, where MOONIES, its employees, servants and agents, served invitees and/or guests with alcoholic beverages.

85. That at all relevant times, MOONIES held itself out to the public, and more particularly to Plaintiff herein, as possessing the proper degree of safety measure to adequately protect its invitees and/or guests and to use reasonable care and diligence in its monitoring and policing of Moonies Bar & Nightclub and those utilizing the premises thereat.

86. That at all relevant times, while Plaintiff was lawfully within MOONIES bar, of which MOONIES had and has complete control, Plaintiff, as a minor under 21 years old, was

served with alcohol to the point of visible intoxication by members of MOONIES's staff, which resulted in Plaintiff being sexually assaulted and raped by members of CHI PHI's Xi Chapter at Cornell University, at the fraternity house known as Chi Phi Fraternity located at 107 Edgemoor Ln, Ithaca, New York 14850.

87. That at all relevant times, Defendant [redacted] (hereinafter "[redacted]") was and is an adult male.

88. That at all relevant times, [redacted] was a full-time undergraduate student attending Cornell University.

89. That at all relevant times, [redacted] was a member of CHI PHI's Xi Chapter at Cornell University.

90. That at all relevant times, Defendant [redacted] (hereinafter "[redacted]") was and is an adult male.

91. That at all relevant times, [redacted] was a full-time undergraduate student attending Cornell University.

92. That at all relevant times, [redacted] was a member of CHI PHI's Xi Chapter at Cornell University.

93. That at all relevant times, Defendant [redacted] (hereinafter "[redacted]") was and is an adult male.

94. That at all relevant times, [redacted] was a full-time undergraduate student attending Cornell University.

95. That at all relevant times, [redacted] was a member of CHI PHI's Xi Chapter at Cornell University.

96. That at all relevant times, Defendant [redacted] (hereinafter "[redacted]") was

and is an adult male.

97. That at all relevant times, [redacted] was a full-time undergraduate student attending Cornell University.

98. That at all relevant times, [redacted] was a member of CHI PHI's Xi Chapter at Cornell University.

99. That at all relevant times, Defendant [redacted] (hereinafter "[redacted]") was and is an adult male.

100. That at all relevant times, [redacted] was a full-time undergraduate student attending Cornell University.

101. That at all relevant times, [redacted] was a member of CHI PHI's Xi Chapter at Cornell University.

102. That at all relevant times, Defendant [redacted] (hereinafter "[redacted]") was and is an adult male.

103. That at all relevant times, [redacted] was a full-time undergraduate student attending Cornell University.

104. That at all relevant times, [redacted] was a member of CHI PHI's Xi Chapter at Cornell University.

105. That at all relevant times, Defendant [redacted] (hereinafter "[redacted]") was and is an adult male.

106. That at all relevant times, [redacted] was a full-time undergraduate student attending Cornell University.

107. That at all relevant times, [redacted] was a member of CHI PHI's Xi Chapter at Cornell University.

108. Plaintiff JANE DOE seeks damages from all Defendants for their actions and more specifically seeks damages from Defendants CORNELL, XI CHAPTER, CHI PHI NATIONAL, ALPHA BETA CHAPTER, TRI-DELTA NATIONAL, FACULTY, ALUMNI, EXEC, and [redacted], who were and are legally responsible for the acts complained of herein that were committed by Defendants [redacted], and [redacted], and failed to properly supervise and/or monitor the activities of Defendants [redacted], and [redacted].

JURISDICTION AND VENUE

109. Venue is proper because Plaintiff JANE DOE currently resides in the State and County of New York.

110. Venue is proper because Defendant CORNELL is a private institution of higher education located in and authorized to transact business in New York with office located in New York County as well as Tompkins County, New York.

111. Venue is proper because Defendant XI CHAPTER is a domestic not-for-profit corporation located in and authorized to transact business in New York with its principal office located in Tompkins County, New York.

112. Venue is proper because Defendant CHI PHI NATIONAL is a domestic not-for-profit corporation located in and authorized to transact business in New York with a regional subsidiary known as the Xi Chapter, located in Tompkins County, New York.

113. Venue is proper because Defendant ALPHA BETA CHAPTER is a domestic not-for-profit corporation located in and authorized to transact business in New York with its principal office located in Tompkins County, New York.

114. Venue is proper because Defendant TRI-DELTA NATIONAL is a domestic not-

for-profit corporation located in and authorized to transact business in New York with a regional subsidiary known as the Alpha Beta Chapter, located in Tompkins County, New York.

115. Venue is proper because Defendant MOONIES is a domestic limited liability company located in and authorized to transact business in New York with its principal office located in Tompkins County, New York.

116. The amount of damages sought herein exceeds the jurisdictional limit of all lower courts which would otherwise have jurisdiction.

FOREWORD

117. In August 2022, Plaintiff was 18 years old when she flew across the country from her family home to begin her studies at Cornell University (the "University"), with similar hopes, expectations and trepidations of other high school graduates embarking on something so seemingly monumental. She arrived on a campus where the University actively promoted Greek membership as a "vital" part of the campus community and endorsed these organizations as well- managed, worthy pathways to new friendships and improving one's educational and professional opportunities. Large fraternity and sorority houses were in prominent locations on campus.

118. Before and when Plaintiff set foot on campus, she never knew that the University had been the scene of numerous incidents of sexual assault and rape in the months and years prior to her arrival. Students were afraid, protesting, and demanding reforms.

119. By this time, the University had established campus organizations to address these prevailing issues, such as the SHARE ("Sexual Harassment & Assault–Response & Education") Office, implementing anti-sexual violence training in the University's Greek houses, advising incoming students about the risks of sexual assault and harassment in college, and offering support services to victims/survivors.

120. These reforms took place after *Resolution 34* was passed in on March 19, 2021, requesting that "Cornell University review policies and action items over fraternity system, including reform, disband or abolish" and have the "Office of Sorority and Fraternity Life to perform a yearly review of all fraternities and any fraternity accused of sexual harassment will be placed on probation or have its recognition revoked."

121. Even still, in the following Fall 2022 semester, Cornell University saw at least 5 reported cases of drugging and 2 reports of sexual assault on Cornell's campus, all of which occurred at fraternity addresses. This triggered a response from the Cornell University Student Assembly who presented *Resolution 16: Condemning Greek Life* on December 1, 2022.

122. Plaintiff also never knew that the dangers of fraternities were so widespread in the decade before her arrival that they had been ranked as the "sixth worst risk for insurance companies – just behind hazardous waste disposal companies and asbestos contractors." So dangerous were their activities that their commercial insurance carriers declined insuring them any further.

123. National fraternities and sororities and their executives knew that fraternity chapters and members were incapable of responsibly managing the provision, use and misuse of alcohol and drugs in fraternity houses, during recruiting, and at Greek-sponsored events. One fraternity executive and industry leader confirmed that 99% of insurance claims were related to the misuse of alcohol. Fraternity recruiting events with alcohol would eventually be labeled by another fraternity executive and industry leader as being the "deadliest nights."

124. Further, Plaintiff was also unaware that a President of Psi Upsilon at Cornell University, [redacted], was charged with first-degree attempted rape, first-degree criminal sex act with a helpless victim, and sexual misconduct after raping a female student at his fraternity residence in 2016.

125. Furthermore, in November 2022, Cornell's campus police issued alerts that a female student was sexually assaulted and at least four other students were drugged at off-campus fraternity parties.[1]

126. During this period, a loose coalition of student activists began a movement known as the Ban Greek Life or Abolish Greek Life Movement which gained significant momentum in 2020 and continues to present.

127. However, despite the Abolish Greek Life Movement and all the bad press that fraternities and sororities had been receiving in the media since the early 2000s, upon her arrival at Cornell, Plaintiff immediately encountered a glorified – yet materially false and misleading – façade of Cornell University Greek life.

128. ALPHA BETA CHAPTER, a regional member of TRI-DELTA NATIONAL's national sorority, established at Cornell University in 1913, operated and recruited new members and revenue through its Alpha Beta Chapter, which was housed in a stately, all-brick mansion situated in a prominent location on campus.

129. The University provided its facilities, staff and resources to schedule and organize "rush," which encouraged students to join these organizations after reviewing and relying upon the promotional information it and the Greek organizations provided.

130. Plaintiff followed the pathway, applied for, and accepted a bid to pledge TRI-DELTA NATIONAL's Alpha Beta Chapter. ALPHA BETA CHAPTER quickly became her first choice after rush began. She was drawn to the sorority and its promises of sisterhood and lifelong friendships, the status it conferred on its members, and the community it provided on campus when she was over 1,000 miles away from home. By this date, TRI-DELTA NATIONAL's leadership

[1] https://www.nytimes.com/2022/11/07/nyregion/cornell-fraternities-sexual-assault.html

had banned the presence and use of alcohol and drugs in its chapter houses, presumably based upon its knowledge that its mismanagement had resulted in numerous incidents of rapes and other injuries.

FACTS COMMON TO ALL CAUSES OF ACTION

131. Plaintiff JANE DOE repeats and re-alleges the above allegations.

132. That the occurrence complained of herein took place within CHI PHI NATIONAL's Xi Chapter's fraternity house, located upon CORNELL's campus, at the address 107 Edgemoor Ln, Ithaca, New York 14850, where Plaintiff was drugged and raped by multiple members of CHI PHI NATIONAL's fraternal organization. At all relevant times, Plaintiff was attending CORNELL as a full-time undergraduate student and was residing on CORNELL's campus within TRI-DELTA NATIONAL's Alpha Beta Chapter sorority house, located at 118 Triphammer Rd, Ithaca, New York 14850.

133. On the evening of October 19, 2024, into the morning of October 20, 2024, Plaintiff DOE was the victim of one or more criminal sex acts at the hands of Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] (hereinafter "Student Defendants").

134. Plaintiff DOE was in a very vulnerable situation when she was sexually assaulted by Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], of which the Student Defendants were fully aware.

135. On October 19, 2024, TRI-DELTA NATIONAL's Alpha Beta Chapter was hosting a social event at Moonies Bar & Nightclub located at 114 E State St, Ithaca, NY 14850.

136. On October 19, 2024, prior to the event at Moonies, Plaintiff consumed Tito's vodka within TRI-DELTA NATIONAL's Alpha Beta Chapter's sorority house located at 118

Triphammer Rd, Ithaca, New York 14850, until she was intoxicated.

137. Thereafter, around 8:30 PM, Plaintiff took an Uber from ALPHA BETA CHAPTER's sorority house on CORNELL's campus to Moonies Bar & Nightclub, accompanied by the Chapter's Sorority House Mother, "[redacted]".

138. When Plaintiff arrived at Moonies, around 9 PM, the bouncer placed an "X" on each of her hands, to signify she was under 21 years old.

139. Despite having underage marks on her hands, Plaintiff was served and consumed at least one alcoholic beverage at Moonies.

140. Within Moonies, TRI-DELTA NATIONAL's Alpha Beta Chapter had designated sober monitors, tasked with ensuring the safety and well-being of attendees and monitoring their fellow sorority sisters for signs of excessive intoxication and/or disruptive behavior.

141. Around 10 PM, Plaintiff and other sorority sisters left the event at Moonies and walked to another bar nearby known as Lot 10 Bar and Lounge, located at 106 S Cayuga St, Ithaca, NY 14850.

142. At Lot 10, Plaintiff was given an "under 21" wristband.

143. Around 11 PM, Plaintiff decided to leave Lot 10 and stumbled alone to CHI PHI NATIONAL's Xi Chapter fraternity house on CORNELL's campus, located at 107 Edgemoor Ln, Ithaca, New York 14850, to hang out with her friend, Defendant [redacted].

144. When Plaintiff arrived at XI CHAPTER's fraternity house, Plaintiff was visibly intoxicated as she had consumed about 10 standard drinks within the past 3 hours.

145. Plaintiff was let into XI CHAPTER's fraternity house by three or four members of the fraternity who had been standing by the front door.

146. Therein, Plaintiff saw Defendant [redacted], who greeted Plaintiff and gave her a

beer.

147. Plaintiff and Defendant [redacted] then danced together in the main room of the fraternity house.

148. After dancing, Defendant [redacted] pulled Plaintiff off to a quieter area and propositioned her with having a threesome with her and another one of his fraternity brothers.

149. In her drunken state, Plaintiff was incapable of consenting to this proposition.

150. Despite being incapable of consent, Defendant [redacted] then led Plaintiff to the upstairs of the fraternity house and left her with [redacted], another XI CHAPTER member.

151. After speaking with Alex for some time, Defendant [redacted] returned and led Plaintiff to another room down the hall, where Defendant [redacted] was sitting on a couch.

152. While on the couch, Defendant [redacted] and [redacted] began passing around a plastic bag containing a white, powdery substance claimed to be Ketamine, a dissociative anesthetic with hallucinogenic properties.

153. Defendants [redacted] and [redacted] then pressured Plaintiff into snorting the alleged Ketamine with them, a drug she had never done before.

154. During this time, Defendant [redacted] and [redacted] also plied Plaintiff with marijuana and "Jamaican Liquor" believed to be some type of high-proof rum.

155. Soon after, Defendant [redacted] and [redacted] began engaging in sexual acts with Plaintiff, all without her consent.

156. During the assault, Defendant [redacted] forced oral sex on Plaintiff while Defendant [redacted] forced vaginal intercourse on her from behind.

157. Throughout the assault, Defendant [redacted] slapped Plaintiff on the buttocks multiple times, resulting in bruising.

158. At one point, Defendant [redacted] could no longer maintain an erection, so he stopped participating and told the other two that he was going to take a nap and proceeded to get up, move to a bed, and s[redacted]p.

159. Defendant [redacted] then began reaching for her vagina with his hand multiple times, and each time, Plaintiff pushed his hand away.

160. Soon after, Defendant [redacted] entered the room, grabbed Plaintiff away from Defendant [redacted], and began kissing her, while Defendant [redacted] groped her from behind, specifically reaching for her vagina.

161. Defendant [redacted] and [redacted] then placed Plaintiff on a bed and the two men began having sex with Plaintiff, initiating another assault, all without Plaintiff's consent.

162. At approximately 1:42 AM, Defendant [redacted] sent a message into the XI CHAPTER's member Snapchat group entitled "Chi Phi Actives", in which the active fraternity members are present, claiming there was "free pussy" upstairs, referring to Plaintiff thereat.



"Chi Phi Actives" Snapchat Group (October 20, 2024, at 1:42 AM)

163. In doing so, Defendant [redacted] organized and encouraged other XI CHAPTER members to join in on the gang rape of Plaintiff in the XI CHAPTER fraternity house.

164. At this point, multiple other members of XI CHAPTER entered the room and Plaintiff retreated under the covers of the bed, to hide her naked body from the fraternity men.

165. Soon after, Defendant [redacted] approached Plaintiff, grabbed her face and started kissing her, all without her consent, and Plaintiff pushed him away.

166. At that point, Plaintiff's phone was on the other side of the room and she felt as if there was no way for her to escape this room full of predatory, fraternity men.

167. Defendant [redacted] then poured a line of Ketamine onto his erect penis and commanded that Plaintiff snort it, which she did.

168. Defendant [redacted] then got in the bed with Plaintiff and began groping her and reaching for her vagina, again.

169. While Plaintiff was lying on her back on the bed, Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], then began pouring lines of Ketamine all over her body and snorting them.

170. Eventually, Defendants [redacted], [redacted], [redacted], [redacted], and [redacted], decided to exit this room and Plaintiff was removed by Defendant's [redacted] and [redacted] to another, smaller room, believed to be the Fraternity President's Office.

171. Once inside, Defendants [redacted] and [redacted] made more lines of Ketamine and instructed Plaintiff to snort one, which she did.

172. By this point, Plaintiff was completely incapacitated.

173. Thereafter, Defendant [redacted] and [redacted] initiated another assault of Plaintiff, forcing oral and vaginal sex upon her simultaneously.

174. At around 5:45 AM, this assault concluded and Plaintiff lost consciousness.

175. When Plaintiff awoke later that day, on October 20, 2024, Plaintiff returned to her residence within the ALPHA BETA CHAPTER sorority house.

176. At this point, Plaintiff was in a state of shock.

177. At her residence, Plaintiff noticed a large bruise that had formed on her buttocks and took preemptive medication for a urinary tract infection (UTI).

178. Later that day, Plaintiff became aware that what had happened to her at the XI CHAPTER house the previous night was becoming public knowledge on CORNELL's campus.

179. With the encouragement of her friends, on or about November 8, 2024, Plaintiff reported the incident to CORNELL's private police force known as Cornell University Police Department located at 117 Statler Drive G2 Barton Hall, Ithaca, NY 14853.

180. On or about November 8, 2024, XI CHAPTER was placed on a temporary suspension for alleged violations of the Student Code of Conduct.

181. On or about November 8, 2024, temporary suspensions were also issued for several students, including Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], who were afforded the opportunity to mitigate their conduct by submitting essays to CORNELL.

182. On November 26, 2024, CORNELL released a University Statement entitled "Update on disturbing allegations of sexual violence", providing an update on its ongoing investigation into the "serious and deeply disturbing allegations of drug abuse and sexual violence at the Chi Phi fraternity house"[2] as further described in this Complaint.

183. On or about January 14, 2025, CORNELL commenced a Title IX investigation in

[2] https://statements.cornell.edu/2024/20241126-update.cfm

response to Plaintiff's Formal Complaint, filed with CORNELL's Title IX Coordinator.

184. From May 2, 2025, up and through May 29, 2025, CORNELL's Title IX Office conducted numerous (at least twelve) hearings regarding Plaintiff's allegations herein.

185. On November 4, 2025, CORNELL released a University Statement entitled "2025 Cornell Survey of Sexual Assault and Related Misconduct results" noting an increased prevalence of sexual misconduct on its campus, among other troubling results.[3]

186. Upon information and belief, CORNELL's Title IX investigation is concluded.

187. Upon information and belief, the matter is also still being investigated by the Ithaca Police Department.

188. At all times relevant, not only did Defendants [redacted], and [redacted] violate applicable law, but also violated the terms outlined in the Cornell Student Code of Conduct (effective August 2, 2021).

189. Upon information and belief, at all relevant times, Defendant CORNELL managed, maintained, supervised, operated, and controlled the facilities, locations, and equipment that Defendants [redacted], used to sexually abuse Plaintiff.

190. At all relevant times, Defendant CORNELL hired, managed, supervised, and controlled the officers, managers, supervisors, administrators, and staff that worked and/or volunteered at its facilities and locations, where Plaintiff was sexually assaulted and raped by [redacted].

191. At all relevant times Defendant CORNELL held itself out to the public as the owner of its facilities and locations, including the XI CHAPTER's fraternity house, where Plaintiff was

[3] https://statements.cornell.edu/2025/20251104-sarm-survey.cfm

sexually assaulted and raped by Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted].

192. At all relevant times, Defendant CORNELL held out its agents, servants, and employees to the public as those who managed, maintained, supervised, operated, and controlled its facilities and locations, including the XI CHAPTER's fraternity house, where Plaintiff was sexually assaulted and raped by Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted].

193. At all relevant times, Plaintiff was in the care, custody, and control of Defendant CORNELL when she was sexually abused by Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], while she was using its facilities, locations, and equipment, and more specifically, while Plaintiff was within the XI CHAPTER's fraternity house on CORNELL's campus.

194. At all relevant times, Defendant CORNELL failed to prevent and/or allowed the Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], to sexually assault and rape Plaintiff.

195. At all relevant times, Defendant CORNELL failed to prevent and/or allowed Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], to sexually abuse Plaintiff using property that was owned, operated, and/or controlled by Defendant CORNELL including its facilities, locations, and equipment.

196. At all relevant times, Defendant CORNELL knew or should have known that its negligent conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Plaintiff, and she did in fact suffer severe emotional and psychological distress and personal physical injury because of its wrongful conduct.

197. Upon information and belief, at all relevant times, Defendant CHI PHI NATIONAL managed, maintained, supervised, operated, and controlled the facilities, locations, and equipment that Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] used to sexually abuse Plaintiff.

198. At all relevant times, Defendant CHI PHI NATIONAL hired, managed, supervised, and controlled the officers, managers, supervisors, administrators, and staff that worked and/or volunteered at its facilities and locations, where Plaintiff was sexually assaulted and raped by Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted].

199. At all relevant times Defendant CHI PHI NATIONAL held itself out to the public as the owner of its facilities and locations, including the XI CHAPTER's fraternity house, where Plaintiff was sexually assaulted and raped by Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted].

200. At all relevant times, Defendant CHI PHI NATIONAL held out its agents, servants, and employees to the public as those who managed, maintained, supervised, operated, and controlled its facilities and locations, including the XI CHAPTER's fraternity house, where Plaintiff was sexually assaulted and raped by Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted].

201. At all relevant times, Plaintiff was in the care, custody, and control of Defendant CHI PHI NATIONAL when she was sexually abused by Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], while she was using its facilities, locations, and equipment, and more specifically, while Plaintiff was within the XI CHAPTER's fraternity house on CORNELL's campus.

202. At all relevant times, Defendant CHI PHI NATIONAL failed to prevent and/or

allowed Defendants [redacted], and [redacted] to sexually assault and rape Plaintiff.

203. At all relevant times, Defendant CHI PHI NATIONAL failed to prevent and/or allowed Defendants [redacted], and [redacted] to sexually abuse Plaintiff using property that was owned, operated, and/or controlled by Defendant CHI PHI NATIONAL including its facilities, locations, and equipment.

204. At all relevant times, Defendant CHI PHI NATIONAL knew or should have known that its negligent conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Plaintiff, and she did in fact suffer severe emotional and psychological distress and personal physical injury because of its wrongful conduct.

205. By reason of the wrongful acts and omissions of Defendants CORNELL, CHI PHI NATIONAL, XI CHAPTER, ALPHA BETA CHAPTER, TRI-DELTA-NATIONAL, MOONIES, FACULTY, ALUMNI, EXEC, [redacted], and all Student Defendants [redacted], and [redacted] as detailed herein, Plaintiff DOE sustained injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage.

206. Upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

AS AND FOR A FIRST CAUSE OF ACTION:
NEGLIGENCE

207. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs above, as if the same were set forth more fully at length herein.

208. At all relevant times, Defendant CORNELL had a duty to take reasonable steps to protect Plaintiff DOE from foreseeable harm when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing its facilities, locations, and equipment.

209. At all relevant times, Defendant CORNELL breached the foregoing duty by failing to exercise reasonable care to prevent Student Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from sexually abusing Plaintiff when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing its facilities, locations, and equipment.

210. At all relevant times, Defendant CORNELL breached the foregoing duty by failing to exercise reasonable care to prevent Student Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from using its tasks, premises, and instrumentalities to sexually abuse Plaintiff, including its facilities, locations, and equipment.

211. At all relevant times, Defendant CORNELL breached the foregoing duties by failing to exercise reasonable care in supervising Student Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] when they were using its tasks, premises, and instrumentalities, including failing to investigate complaints and concerns about their behavior; failing to exercise reasonable care in training its agents and employees to supervise Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], including recognizing signs that they were using their positions to sexually abuse fellow students; failing to exercise reasonable care in supervising Plaintiff while she was in its care, custody, and control, including the ongoing activities at the XI CHAPTER's fraternity house located on its campus; and, in failing to warn Plaintiff that Defendants [redacted], [redacted], [redacted], [redacted],

[redacted], [redacted], and [redacted] may pose a danger to Plaintiff in that they might sexually abuse her.

212. As a direct and proximate result of the wrongful acts and omissions of Defendant CORNELL, Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] were able to use their positions to sexually abuse Plaintiff.

213. As a direct and proximate result of the wrongful acts and omissions of Defendant CORNELL, Plaintiff DOE sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

214. At all relevant times, Defendant XI CHAPTER had a duty to take reasonable steps to protect Plaintiff DOE from foreseeable harm when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing its facilities, locations, and equipment.

215. At all relevant times, Defendant XI CHAPTER breached the foregoing duty by failing to exercise reasonable care to prevent Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from sexually abusing Plaintiff when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing its facilities, locations, and equipment.

216. At all relevant times, Defendant XI CHAPTER breached the foregoing duty by failing to exercise reasonable care to prevent Defendants [redacted], [redacted], [redacted], [redacted],

[redacted], [redacted], and [redacted] from using its tasks, premises, and instrumentalities to sexually abuse Plaintiff, including its facilities, locations, and equipment.

217. At all relevant times, Defendant XI CHAPTER breached the foregoing duties by failing to exercise reasonable care in supervising Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] when they were using its tasks, premises, and instrumentalities, including failing to investigate complaints and concerns about their behavior; failing to exercise reasonable care in training its agents and employees to supervise Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], including recognizing signs that they were using their positions to sexually abuse fellow students; failing to exercise reasonable care in supervising Plaintiff while she was in its care, custody, and control, including the ongoing activities at the XI CHAPTER fraternity house; and, in failing to warn Plaintiff that Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] may pose a danger to Plaintiff in that they might sexually abuse her.

218. As a direct and proximate result of the wrongful acts and omissions of Defendant XI CHAPTER, Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] were able to use their positions to sexually abuse Plaintiff.

219. As a direct and proximate result of the wrongful acts and omissions of Defendant XI CHAPTER, Plaintiff DOE sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

220. At all relevant times, Defendant CHI PHI NATIONAL had a duty to take reasonable steps to protect Plaintiff DOE from foreseeable harm when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing its facilities, locations, and equipment.

221. At all relevant times, Defendant CHI PHI NATIONAL breached the foregoing duty by failing to exercise reasonable care to prevent Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from sexually abusing Plaintiff when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing its facilities, locations, and equipment.

222. At all relevant times, Defendant CHI PHI NATIONAL breached the foregoing duty by failing to exercise reasonable care to prevent Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from using its tasks, premises, and instrumentalities to sexually abuse Plaintiff, including its facilities, locations, and equipment.

223. At all relevant times, Defendant CHI PHI NATIONAL breached the foregoing duties by failing to exercise reasonable care in supervising Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] when they were using its tasks, premises, and instrumentalities, including failing to investigate complaints and concerns about their behavior; failing to exercise reasonable care in training its agents and employees to supervise Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], including recognizing signs that they were using their positions to sexually abuse fellow students; failing to exercise reasonable care in supervising Plaintiff while she was in its care, custody, and control, including the ongoing activities at the XI CHAPTER fraternity house; and, in failing to warn Plaintiff that Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and

[redacted] may pose a danger to Plaintiff in that they might sexually abuse her.

224. As a direct and proximate result of the wrongful acts and omissions of Defendant CHI PHI NATIONAL, Defendants [redacted], and [redacted] were able to use their positions to sexually abuse Plaintiff.

225. As a direct and proximate result of the wrongful acts and omissions of Defendant CHI PHI NATIONAL, Plaintiff DOE sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

226. At all relevant times, Defendant ALPHA BETA CHAPTER had a duty to take reasonable steps to protect Plaintiff DOE from foreseeable harm when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing its facilities, locations, and equipment, including the ALPHA BETA CHAPTER's sorority house on CORNELL's campus and its social event held at Moonies Bar & Nightclub.

227. At all relevant times, Defendant ALPHA BETA CHAPTER breached the foregoing duty by failing to exercise reasonable care to prevent Plaintiff from binge drinking at its sorority house on CORNELL's campus, when Plaintiff was in its care, custody, and control, and was utilizing its facilities, locations, and equipment, including the ALPHA BETA CHAPTER sorority house on CORNELL's campus and its social event held at Moonies Bar & Nightclub.

228. At all relevant times, Defendant ALPHA BETA CHAPTER breached the foregoing

duty by failing to exercise reasonable care to prevent underage members from binge drinking at its sorority house and its social events.

229. At all relevant times, Defendant ALPHA BETA CHAPTER breached the foregoing duties by failing to exercise reasonable care in supervising Plaintiff when she was using its tasks, premises, and instrumentalities, including failing to adequately train its designated sober monitors; failing to adequately train its designated House Mother; failing to investigate complaints and concerns about member behavior; failing to exercise reasonable care in training its agents and employees to supervise Plaintiff, including recognizing signs that she was intoxicated and drinking alcohol under the age of 21-years-old; failing to exercise reasonable care in supervising Plaintiff while she was in its care, custody, and control, including the ongoing activities at the ALPHA BETA CHAPTER sorority house located on its campus; and, in failing to warn Plaintiff that she might be sexually abused by other Greek Life members.

230. As a direct and proximate result of the wrongful acts and omissions of Defendant ALPHA BETA CHAPTER, Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] were able to use their positions to sexually abuse Plaintiff.

231. As a direct and proximate result of the wrongful acts and omissions of Defendant ALPHA BETA CHAPTER, Plaintiff DOE sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

232. At all relevant times, Defendant TRI-DELTA NATIONAL had a duty to take

reasonable steps to protect Plaintiff DOE from foreseeable harm when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing its facilities, locations, and equipment, including the ALPHA BETA CHAPTER's sorority house on CORNELL's campus and its social event held at Moonies Bar & Nightclub.

233. At all relevant times, Defendant TRI-DELTA NATIONAL breached the foregoing duty by failing to exercise reasonable care to prevent Plaintiff from binge drinking at its sorority house on CORNELL's campus, when Plaintiff was in its care, custody, and control, and was utilizing its facilities, locations, and equipment, including the ALPHA BETA CHAPTER sorority house on CORNELL's campus and its social event held at Moonies Bar & Nightclub.

234. At all relevant times, Defendant TRI-DELTA NATIONAL breached the foregoing duty by failing to exercise reasonable care to prevent underage members from binge drinking at its sorority house and its social events.

235. At all relevant times, Defendant TRI-DELTA NATIONAL breached the foregoing duties by failing to exercise reasonable care in supervising Plaintiff when she was using its tasks, premises, and instrumentalities, including failing to adequately train its designated sober monitors; failing to adequately train its designated House Mother; failing to investigate complaints and concerns about member behavior; failing to exercise reasonable care in training its agents and employees to supervise Plaintiff, including recognizing signs that she was intoxicated and drinking alcohol under the age of 21-years-old; failing to exercise reasonable care in supervising Plaintiff while she was in its care, custody, and control, including the ongoing activities at the ALPHA BETA CHAPTER sorority house located on its campus; and, in failing to warn Plaintiff that she might be sexually abused by other Greek Life members.

236. As a direct and proximate result of the wrongful acts and omissions of Defendant TRI-DELTA NATIONAL, Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] were able to use their positions to sexually abuse Plaintiff.

237. As a direct and proximate result of the wrongful acts and omissions of Defendant TRI-DELTA NATIONAL, Plaintiff DOE sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

238. That at all relevant times, Defendant MOONIES maintained, controlled, and operated Moonies Bar & Nightclub located at 114 E State Street, Ithaca, New York 14850.

239. At all relevant times, Defendant MOONIES had a duty to take reasonable steps to protect Plaintiff DOE from foreseeable harm when Plaintiff was in its care, custody, and control, including when Plaintiff was a guest and/or invitee upon its premises known as Moonies Bar & Nightclub, and was utilizing its facilities, locations, and equipment.

240. At all relevant times, Defendant MOONIES breached the foregoing duty by failing to exercise reasonable care in its care, custody, and control of Moonies Bar & Nightclub as well as those utilizing its facilities, locations, and equipment, including Plaintiff threat.

241. At all relevant times, Defendant MOONIES breached the foregoing duties by failing to exercise reasonable care in supervising Plaintiff when she was using its tasks, premises, and instrumentalities, including failing to monitor its bartenders and/or servers; failing to investigate concerns about overpouring; failing to investigate concerns about serving minors;

failing to exercise reasonable care in training its agents and employees to supervise Plaintiff, including recognizing signs that Plaintiff was underaged and that she was intoxicated; failing to exercise reasonable care in supervising Plaintiff while she was in its care, custody, and control, including the ongoing activities at Moonies Bar & Nightclub; and, in failing to warn Plaintiff about the dangers of being at Moonies Bar & Nightclub.

242. As a direct and proximate result of the wrongful acts and omissions of Defendant MOONIES, Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] were able to sexually abuse Plaintiff.

243. As a direct and proximate result of the wrongful acts and omissions of Defendant MOONIES, Plaintiff DOE sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

244. At all relevant times, Defendant FACULTY had a duty to take reasonable steps to protect Plaintiff DOE from foreseeable harm when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing XI CHAPTER's facilities, locations, and equipment.

245. At all relevant times, Defendant FACULTY breached the foregoing duty by failing to exercise reasonable care to prevent Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from sexually abusing Plaintiff when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of

Defendant CORNELL and was utilizing XI CHAPTER's facilities, locations, and equipment.

246. At all relevant times, Defendant FACULTY breached the foregoing duty by failing to exercise reasonable care to prevent Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from using XI CHAPTER's tasks, premises, and instrumentalities to sexually abuse Plaintiff, including its facilities, locations, and equipment.

247. At all relevant times, Defendant FACULTY breached the foregoing duties by failing to exercise reasonable care in supervising Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] when they were using its tasks, premises, and instrumentalities, including failing to investigate complaints and concerns about their behavior; failing to exercise reasonable care in training its agents and employees to supervise Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], including recognizing signs that they were using their positions to sexually abuse fellow students; failing to exercise reasonable care in supervising Plaintiff while she was in its care, custody, and control, including the ongoing activities at the XI CHAPTER's fraternity house; and, in failing to warn Plaintiff that Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] may pose a danger to Plaintiff in that they might sexually abuse her.

248. As a direct and proximate result of the wrongful acts and omissions of Defendant FACULTY, Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] were able to use their positions to sexually abuse Plaintiff.

249. As a direct and proximate result of the wrongful acts and omissions of Defendant FACULTY, Plaintiff DOE sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, a severe shock to her nervous system, physical pain and mental anguish, and

emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

250. At all relevant times, Defendant ALUMNI had a duty to take reasonable steps to protect Plaintiff DOE from foreseeable harm when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing XI CHAPTER's facilities, locations, and equipment.

251. At all relevant times, Defendant ALUMNI breached the foregoing duty by failing to exercise reasonable care to prevent Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from sexually abusing Plaintiff when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing XI CHAPTER's facilities, locations, and equipment.

252. At all relevant times, Defendant ALUMNI breached the foregoing duty by failing to exercise reasonable care to prevent Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from using XI CHAPTER's tasks, premises, and instrumentalities to sexually abuse Plaintiff, including its facilities, locations, and equipment.

253. At all relevant times, Defendant ALUMNI breached the foregoing duties by failing to exercise reasonable care in supervising Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] when they were using its tasks, premises, and instrumentalities, including failing to investigate complaints and concerns about their behavior; failing to exercise reasonable care in training its agents and employees to supervise Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], including recognizing signs that they were using their positions to sexually abuse fellow students; failing to

exercise reasonable care in supervising Plaintiff while she was in its care, custody, and control, including the ongoing activities at the XI CHAPTER's fraternity house; and, in failing to warn Plaintiff that Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] may pose a danger to Plaintiff in that they might sexually abuse her.

254. As a direct and proximate result of the wrongful acts and omissions of Defendant ALUMNI, Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] were able to use their positions to sexually abuse Plaintiff.

255. As a direct and proximate result of the wrongful acts and omissions of Defendant ALUMNI, Plaintiff DOE sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

256. At all relevant times, Defendant EXEC had a duty to take reasonable steps to protect Plaintiff DOE from foreseeable harm when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing XI CHAPTER's facilities, locations, and equipment.

257. At all relevant times, Defendant EXEC breached the foregoing duty by failing to exercise reasonable care to prevent Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from sexually abusing Plaintiff when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing XI CHAPTER's facilities, locations, and equipment.

258. At all relevant times, Defendant EXEC breached the foregoing duty by failing to exercise reasonable care to prevent Defendants [redacted], and from using XI CHAPTER's tasks, premises, and instrumentalities to sexually abuse Plaintiff, including its facilities, locations, and equipment.

259. At all relevant times, Defendant EXEC breached the foregoing duties by failing to exercise reasonable care in supervising Defendants [redacted], and when they were using its tasks, premises, and instrumentalities, including failing to investigate complaints and concerns about their behavior; failing to exercise reasonable care in training its agents and employees to supervise Defendants [redacted], including recognizing signs that they were using their positions to sexually abuse fellow students; failing to exercise reasonable care in supervising Plaintiff while she was in its care, custody, and control, including the ongoing activities at the XI CHAPTER's fraternity house; and, in failing to warn Plaintiff that Defendants [redacted] may pose a danger to Plaintiff in that they might sexually abuse her.

260. As a direct and proximate result of the wrongful acts and omissions of Defendant EXEC, Defendants [redacted] were able to use their positions to sexually abuse Plaintiff.

261. As a direct and proximate result of the wrongful acts and omissions of Defendant EXEC, Plaintiff DOE sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a

permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

262. At all relevant times, Defendant [redacted] had a duty to take reasonable steps to protect Plaintiff DOE from foreseeable harm when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing its facilities, locations, and equipment.

263. At all relevant times, Defendant [redacted] breached the foregoing duty by failing to exercise reasonable care to prevent Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from sexually abusing Plaintiff when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing XI CHAPTER'S facilities, locations, and equipment.

264. At all relevant times, Defendant [redacted] breached the foregoing duty by failing to exercise reasonable care to prevent Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from using its tasks, premises, and instrumentalities to sexually abuse Plaintiff, including its facilities, locations, and equipment.

265. At all relevant times, Defendant [redacted] breached the foregoing duties by failing to exercise reasonable care in supervising Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] when they were using its tasks, premises, and instrumentalities, including failing to investigate complaints and concerns about their behavior; failing to exercise reasonable care in training its agents and employees to supervise Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], including recognizing signs that they were using their positions to sexually abuse fellow students; failing to exercise reasonable care in supervising Plaintiff while she was in its care, custody, and control,

including the ongoing activities at the XI CHAPTER fraternity house; and, in failing to warn Plaintiff that Defendants [redacted], and [redacted] may pose a danger to Plaintiff in that they might sexually abuse her.

266. As a direct and proximate result of the wrongful acts and omissions of Defendant [redacted], Defendants [redacted], and [redacted] were able to use their positions to sexually abuse Plaintiff.

267. As a direct and proximate result of the wrongful acts and omissions of Defendant [redacted], Plaintiff DOE sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

268. At all relevant times, Defendant [redacted] had a duty to take reasonable steps to protect Plaintiff DOE from foreseeable harm when Plaintiff was in his care, custody, and control, including when Plaintiff was a full-time undergraduate student at Cornell University and was utilizing XI CHAPTER's facilities, locations, and equipment.

269. At all relevant times, Defendant [redacted] breached the foregoing duty by failing to exercise reasonable care to prevent himself, along with Defendants [redacted], and [redacted] from sexually abusing Plaintiff when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing XI CHAPTER'S facilities, locations, and equipment.

270. At all relevant times, Defendant [redacted] breached the foregoing duty by failing

to exercise reasonable care to prevent himself, along with Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from using XI CHAPTER's tasks, premises, and instrumentalities to sexually abuse Plaintiff, including its facilities, locations, and equipment.

271. At all relevant times, Defendant [redacted] breached the foregoing duties by failing to exercise reasonable care in supervising Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] when they were using XI CHAPTER's tasks, premises, and instrumentalities, including failing to investigate complaints and concerns about their behavior; including recognizing signs that they were using their positions to sexually abuse fellow students; failing to exercise reasonable care in supervising Plaintiff while she was in his care, custody, and control, including the ongoing activities at the XI CHAPTER fraternity house; and, in failing to warn Plaintiff that Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] may pose a danger to Plaintiff in that they might sexually abuse her.

272. As a direct and proximate result of the wrongful acts and omissions of Defendant [redacted], Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] were able to use their positions to sexually abuse Plaintiff.

273. As a direct and proximate result of the wrongful acts and omissions of Defendant [redacted], Plaintiff DOE sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

274. At all relevant times, Defendant [redacted] had a duty to take reasonable steps to

protect Plaintiff DOE from foreseeable harm when Plaintiff was in his care, custody, and control, including when Plaintiff was a full-time undergraduate student at Cornell University and was utilizing XI CHAPTER's facilities, locations, and equipment.

275. At all relevant times, Defendant [redacted] breached the foregoing duty by failing to exercise reasonable care to prevent himself, along with Defendants [redacted], and from sexually abusing Plaintiff when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing XI CHAPTER'S facilities, locations, and equipment.

276. At all relevant times, Defendant [redacted] breached the foregoing duty by failing to exercise reasonable care to prevent himself, along with Defendants [redacted], and from using XI CHAPTER's tasks, premises, and instrumentalities to sexually abuse Plaintiff, including its facilities, locations, and equipment.

277. At all relevant times, Defendant [redacted] breached the foregoing duties by failing to exercise reasonable care in supervising Defendants [redacted], and when they were using XI CHAPTER's tasks, premises, and instrumentalities, including failing to investigate complaints and concerns about their behavior; including recognizing signs that they were using their positions to sexually abuse fellow students; failing to exercise reasonable care in supervising Plaintiff while she was in his care, custody, and control, including the ongoing activities at the XI CHAPTER fraternity house; and, in failing to warn Plaintiff that Defendants [redacted], and [redacted] may pose a danger to Plaintiff in that they might sexually abuse her.

278. As a direct and proximate result of the wrongful acts and omissions of Defendant [redacted], Defendants [redacted], and [redacted]

were able to use their positions to sexually abuse Plaintiff.

279. As a direct and proximate result of the wrongful acts and omissions of Defendant [redacted], Plaintiff DOE sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

280. At all relevant times, Defendant [redacted] had a duty to take reasonable steps to protect Plaintiff DOE from foreseeable harm when Plaintiff was in his care, custody, and control, including when Plaintiff was a full-time undergraduate student at Cornell University and was utilizing XI CHAPTER's facilities, locations, and equipment.

281. At all relevant times, Defendant [redacted] breached the foregoing duty by failing to exercise reasonable care to prevent himself, along with Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from sexually abusing Plaintiff when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing XI CHAPTER'S facilities, locations, and equipment.

282. At all relevant times, Defendant [redacted] breached the foregoing duty by failing to exercise reasonable care to prevent himself, along with Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from using XI CHAPTER's tasks, premises, and instrumentalities to sexually abuse Plaintiff, including its facilities, locations, and equipment.

283. At all relevant times, Defendant [redacted] breached the foregoing duties by failing to exercise reasonable care in supervising Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] when they were using XI CHAPTER's tasks, premises, and instrumentalities, including failing to investigate complaints and concerns about their behavior; including recognizing signs that they were using their positions to sexually abuse fellow students; failing to exercise reasonable care in supervising Plaintiff while she was in his care, custody, and control, including the ongoing activities at the XI CHAPTER fraternity house; and, in failing to warn Plaintiff that Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] may pose a danger to Plaintiff in that they might sexually abuse her.

284. As a direct and proximate result of the wrongful acts and omissions of Defendant [redacted], Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] were able to use their positions to sexually abuse Plaintiff.

285. As a direct and proximate result of the wrongful acts and omissions of Defendant [redacted], Plaintiff DOE sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

286. At all relevant times, Defendant [redacted] had a duty to take reasonable steps to protect Plaintiff DOE from foreseeable harm when Plaintiff was in his care, custody, and control, including when Plaintiff was a full-time undergraduate student at Cornell University and was utilizing XI CHAPTER's facilities, locations, and equipment.

287. At all relevant times, Defendant [redacted] breached the foregoing duty by failing to exercise reasonable care to prevent himself, along with Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from sexually abusing Plaintiff when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing XI CHAPTER'S facilities, locations, and equipment.

288. At all relevant times, Defendant [redacted] breached the foregoing duty by failing to exercise reasonable care to prevent himself, along with Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from using XI CHAPTER's tasks, premises, and instrumentalities to sexually abuse Plaintiff, including its facilities, locations, and equipment.

289. At all relevant times, Defendant [redacted] breached the foregoing duties by failing to exercise reasonable care in supervising Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] when they were using XI CHAPTER's tasks, premises, and instrumentalities, including failing to investigate complaints and concerns about their behavior; including recognizing signs that they were using their positions to sexually abuse fellow students; failing to exercise reasonable care in supervising Plaintiff while she was in his care, custody, and control, including the ongoing activities at the XI CHAPTER fraternity house; and, in failing to warn Plaintiff that Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] may pose a danger to Plaintiff in that they might sexually abuse her.

290. As a direct and proximate result of the wrongful acts and omissions of Defendant [redacted], Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] were able to use their positions to sexually abuse Plaintiff.

291. As a direct and proximate result of the wrongful acts and omissions of Defendant [redacted], Plaintiff DOE sustained physical and psychological injuries, including but not limited to,

severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

292. At all relevant times, Defendant [redacted] had a duty to take reasonable steps to protect Plaintiff DOE from foreseeable harm when Plaintiff was in his care, custody, and control, including when Plaintiff was a full-time undergraduate student at Cornell University and was utilizing XI CHAPTER's facilities, locations, and equipment.

293. At all relevant times, Defendant [redacted] breached the foregoing duty by failing to exercise reasonable care to prevent himself, along with Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from sexually abusing Plaintiff when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing XI CHAPTER'S facilities, locations, and equipment.

294. At all relevant times, Defendant [redacted] breached the foregoing duty by failing to exercise reasonable care to prevent himself, along with Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from using XI CHAPTER's tasks, premises, and instrumentalities to sexually abuse Plaintiff, including its facilities, locations, and equipment.

295. At all relevant times, Defendant [redacted] breached the foregoing duties by failing to exercise reasonable care in supervising Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] when they were using XI CHAPTER's tasks, premises, and instrumentalities, including failing to investigate complaints and concerns about their behavior; including recognizing signs that they were using their positions to sexually abuse fellow students;

failing to exercise reasonable care in supervising Plaintiff while she was in his care, custody, and control, including the ongoing activities at the XI CHAPTER fraternity house; and, in failing to warn Plaintiff that Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] may pose a danger to Plaintiff in that they might sexually abuse her.

296. As a direct and proximate result of the wrongful acts and omissions of Defendant [redacted], Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] were able to use their positions to sexually abuse Plaintiff.

297. As a direct and proximate result of the wrongful acts and omissions of Defendant [redacted], Plaintiff DOE sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

298. At all relevant times, Defendant [redacted] had a duty to take reasonable steps to protect Plaintiff DOE from foreseeable harm when Plaintiff was in his care, custody, and control, including when Plaintiff was a full-time undergraduate student at Cornell University and was utilizing XI CHAPTER's facilities, locations, and equipment.

299. At all relevant times, Defendant [redacted] breached the foregoing duty by failing to exercise reasonable care to prevent himself, along with Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from sexually abusing Plaintiff when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing XI CHAPTER'S facilities, locations, and equipment.

300. At all relevant times, Defendant [redacted] breached the foregoing duty by failing to exercise reasonable care to prevent himself, along with Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from using XI CHAPTER's tasks, premises, and instrumentalities to sexually abuse Plaintiff, including its facilities, locations, and equipment.

301. At all relevant times, Defendant [redacted] breached the foregoing duties by failing to exercise reasonable care in supervising Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] when they were using XI CHAPTER's tasks, premises, and instrumentalities, including failing to investigate complaints and concerns about their behavior; including recognizing signs that they were using their positions to sexually abuse fellow students; failing to exercise reasonable care in supervising Plaintiff while she was in his care, custody, and control, including the ongoing activities at the XI CHAPTER fraternity house; and, in failing to warn Plaintiff that Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] may pose a danger to Plaintiff in that they might sexually abuse her.

302. As a direct and proximate result of the wrongful acts and omissions of Defendant [redacted], Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] were able to use their positions to sexually abuse Plaintiff.

303. As a direct and proximate result of the wrongful acts and omissions of Defendant [redacted], Plaintiff DOE sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

304. At all relevant times, Defendant [redacted] had a duty to take reasonable steps to protect Plaintiff DOE from foreseeable harm when Plaintiff was in his care, custody, and control, including when Plaintiff was a full-time undergraduate student at Cornell University and was utilizing XI CHAPTER's facilities, locations, and equipment.

305. At all relevant times, Defendant [redacted] breached the foregoing duty by failing to exercise reasonable care to prevent himself, along with Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from sexually abusing Plaintiff when Plaintiff was in its care, custody, and control, including when Plaintiff was a full-time undergraduate student of Defendant CORNELL and was utilizing XI CHAPTER'S facilities, locations, and equipment.

306. At all relevant times, Defendant [redacted] breached the foregoing duty by failing to exercise reasonable care to prevent himself, along with Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] from using XI CHAPTER's tasks, premises, and instrumentalities to sexually abuse Plaintiff, including its facilities, locations, and equipment.

307. At all relevant times, Defendant [redacted] breached the foregoing duties by failing to exercise reasonable care in supervising Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] when they were using XI CHAPTER's tasks, premises, and instrumentalities, including failing to investigate complaints and concerns about their behavior; including recognizing signs that they were using their positions to sexually abuse fellow students; failing to exercise reasonable care in supervising Plaintiff while she was in his care, custody, and control, including the ongoing activities at the XI CHAPTER fraternity house; and, in failing to warn Plaintiff that Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] may pose a danger to Plaintiff in that they might sexually abuse her.

308. As a direct and proximate result of the wrongful acts and omissions of Defendant [redacted], Defendants [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] were able to use their positions to sexually abuse Plaintiff.

309. As a direct and proximate result of the wrongful acts and omissions of Defendant [redacted], Plaintiff DOE sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

310. The amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION:
NEGLIGENT RETENTION, SUPERVISION, AND/OR DIRECTION

311. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs above, as if the same were set forth more fully at length herein.

312. The abuse of Plaintiff JANE DOE occurred on the night of October 19, 2024, into the morning of October 20, 2024, while Plaintiff was a full-time undergraduate student under the care of Defendant CORNELL.

313. At all times relevant, Defendant CORNELL operated, controlled, managed, supervised and/or funded an undergraduate University campus, located at 616 Thurston Ave, Ithaca, NY 14853.

314. At all times relevant, Defendant CORNELL operated, controlled, managed, supervised and/or funded the University campus, including the Greek Houses thereat.

315. At all times relevant, Defendant CORNELL operated, controlled, managed, supervised and/or funded the University campus, including the ALPHA BETA CHAPTER sorority house, located at 118 Triphammer Rd, Ithaca, New York 14850.

316. At all times relevant, Defendant CORNELL operated, controlled, managed, supervised and/or funded the University campus, including the XI CHAPTER fraternity house, located at 107 Edgemoor Ln, Ithaca, New York 14850.

317. That at all relevant times, Defendant CORNELL was and is a private institution of higher education with its principal address at 373 Pine Tree Road, Ithaca, New York 14850.

318. That at all relevant times, CORNELL maintained, operated and controlled the private ivy-league university known as Cornell University, with a mailing address of 616 Thurston Avenue, Ithaca, New York 14853.

319. At all times relevant, Defendant CORNELL was under a duty to operate, control, manage, supervise, and maintain the aforesaid college campus, sorority house, and fraternity house in a safe, lawful, and proper fashion.

320. At all times relevant, Defendant CORNELL had a duty to safeguard and supervise students utilizing the aforesaid college campus, sorority house, and fraternity house, including Plaintiff.

321. At all times relevant, Defendant CORNELL hired and employed certain individuals to carry out its business operations, including police officers, faculty members, sponsors, administrators, and supervisors.

322. At all times relevant, Defendant CORNELL, its agents, servants and/or employees breached their duty to maintain the aforesaid college campus, sorority house, and fraternity house, high in a reasonably safe condition and manner.

323. At all times relevant, Defendant CORNELL, its agents, servants and/or employees breached their duty to supervise its students, including Plaintiff DOE and Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], in a reasonably safe manner.

324. At all times relevant, Defendant CORNELL owed Plaintiff a duty of care because it had a special relationship with Plaintiff.

325. At all times relevant, Defendant CORNELL owed Plaintiff a duty to protect her from harm because Defendant CORNELL had a special relationship with Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted].

326. At all times relevant, Defendant CORNELL owed Plaintiff a duty to protect her from harm because Defendant CORNELL had a contractual relationship with Plaintiff.

327. At all times relevant, Defendant CORNELL owed Plaintiff a duty to protect her from harm because Defendant CORNELL had a contractual relationship with Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted].

328. By accepting Plaintiff as a full-time undergraduate student at the college campus, sorority house, and fraternity house, and holding their facilities out to be a safe environment for Plaintiff, and by establishing a fiduciary relationship with Plaintiff at all times relevant, Defendant CORNELL entered into an express and/or implied duty to properly supervise Plaintiff and provide a reasonably safe environment for students attending their University. Defendant CORNELL owed Plaintiff a duty to properly supervise Plaintiff and protect her from foreseeable dangers.

329. At all times relevant, Defendant CORNELL breached its duties to the Plaintiff, as these harms were reasonably foreseeable and Defendant CORNELL failed to protect her.

330. Defendant CORNELL's breach of their duties include, but are not limited to: failure

to protect Plaintiff from a known danger; failure to have sufficient policies and procedures in place to prevent sex abuse and assault being committed by any of their students; failure to properly implement policies and procedures to prevent sex abuse and assault; failure to take reasonable measures to ensure that policies and procedures to prevent sex abuse and assault were working; failure to investigate risks of sexual assault; failure to properly train the employees at their facilities; failed to have any outside agency test their safety procedures; and failure to train its employees properly to identify signs of sexual abuse and sexual assault.

331. At all times relevant, Defendant CORNELL failed to use ordinary care in determining whether the aforesaid college campus, sorority house, and fraternity house, were safe for Plaintiff.

332. That prior to the subject incident, Defendant CORNELL knew or should have known that XI CHAPTER had a history of drug-use culture, specifically ketamine.

333. Upon information and belief, one week prior to the subject assault, police responded to a drug-related incident at the XI CHAPTER house.

334. Defendant CORNELL, by and through its agents, servants and/or employees, became aware, or through the exercise of reasonable care, supervision, and investigation, should have become aware of Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted]' propensity to commit sexual assault and of the risk they posed to Plaintiff's safety.

335. At the very least, Defendant CORNELL knew, or should have known, that they did not have sufficient information about whether the college campus, sorority house, and fraternity house, were safe and if Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted],

and [redacted] posed a danger to fellow students, including Plaintiff, at Defendant CORNELL's University.

336. Defendant CORNELL breached their duty to Plaintiff by failing to warn her of the risks that Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] posed and the risks of sexual assault occurring on the aforesaid college campus, sorority house, and fraternity house, during the relevant time period.

337. The sexual abuse committed by the Student Defendant was, or should have been, reasonably foreseeable to Defendant CORNELL.

338. Defendant CORNELL, its employees, managers, administrators, and staff were on actual and/or constructive notice that Plaintiff was being sexually abused by other students at Defendant CORNELL's University.

339. As a direct and proximate result of the foregoing, Plaintiff sustained emotional and psychological injuries, along with pain and suffering and loss of enjoyment of life.

340. The subject assault and resultant injuries were caused by, and through reason of the negligence and carelessness of Defendant CORNELL, their agents, servants and/or employees, in the ownership, operation, management, supervision, maintenance and control of the aforesaid college campus, sorority house, and fraternity house, and its students and employees therein.

341. Defendant CORNELL's actions were intentional, done with malice, cruelty and/or a deliberate, willful, wanton, and reckless indifference to Plaintiff's rights and were done in conscious disregard of the probability that the conduct would result in harm to Plaintiff's physical and emotional wellbeing. Defendant CORNELL's conduct was so outrageous, shocking, despicable, and contemptible that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard

for the consequences that would follow. As a result, Plaintiff is entitled to recover both compensatory and punitive damages from Defendant CORNELL.

342. At all times relevant, Defendant XI CHAPTER operated, controlled, managed, supervised and/or funded the Xi Chapter of Chi Phi Fraternity at Cornell University, with its fraternity house located at 107 Edgemoor Ln, Ithaca, New York 14850.

343. That at all relevant times, XI CHAPTER was and is a domestic not-for-profit corporation which owned and operated the Xi Chapter of Chi Phi at Cornell University's house located at 107 Edgemoor Ln, Ithaca, New York 14850.

344. At all times relevant, Defendant XI CHAPTER was under a duty to operate, control, manage, supervise, and maintain the aforesaid fraternity house in a safe, lawful, and proper fashion.

345. At all times relevant, Defendant XI CHAPTER had a duty to safeguard and supervise students utilizing the aforesaid fraternity house, including Plaintiff and Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted].

346. At all times relevant, Defendant XI CHAPTER hired and employed certain individuals to carry out its business operations, including security guards, alumni, sponsors, administrators, sober monitors, and supervisors.

347. At all times relevant, Defendant XI CHAPTER, its agents, servants and/or employees breached their duty to maintain the aforesaid fraternity house, high in a reasonably safe condition and manner.

348. At all times relevant, Defendant XI CHAPTER, its agents, servants and/or employees breached their duty to supervise students utilizing the fraternity house, including Plaintiff and Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and

[redacted], in a reasonably safe manner.

349. At all times relevant, Defendant XI CHAPTER owed Plaintiff a duty of care because it had a special relationship with Plaintiff.

350. At all times relevant, Defendant XI CHAPTER owed Plaintiff a duty to protect her from harm because Defendant XI CHAPTER had a special relationship with Defendants [redacted], and [redacted].

351. At all times relevant, Defendant XI CHAPTER owed Plaintiff a duty to protect her from harm because Defendant XI CHAPTER had a contractual relationship with Defendant CORNELL.

352. At all times relevant, Defendant XI CHAPTER owed Plaintiff a duty to protect her from harm because Defendant XI CHAPTER had a contractual relationship with Defendants [redacted], and [redacted].

353. By accepting Plaintiff at the XI CHAPTER fraternity house, and holding their facilities out to be a safe environment for Plaintiff, and by establishing a fiduciary relationship with Plaintiff at all times relevant, Defendant XI CHAPTER entered into an express and/or implied duty to properly supervise Plaintiff and provide a reasonably safe environment for students utilizing its fraternity house. Defendant XI CHAPTER owed Plaintiff a duty to properly supervise Plaintiff and protect her from foreseeable dangers.

354. At all times relevant, Defendant XI CHAPTER breached its duties to the Plaintiff, as these harms were reasonably foreseeable and Defendant XI CHAPTER failed to protect her.

355. Defendant XI CHAPTER's breach of their duties include, but are not limited to: failure to protect Plaintiff from a known danger; failure to have sufficient policies and procedures in place to prevent sex abuse and assault being committed by any of their students; failure to

properly implement policies and procedures to prevent sex abuse and assault; failure to take reasonable measures to ensure that policies and procedures to prevent sex abuse and assault were working; failure to investigate risks of sexual assault; failure to properly train the employees at their facilities; failed to have any outside agency test their safety procedures; and failure to train its employees properly to identify signs of sexual abuse and sexual assault.

356. At all times relevant, Defendant XI CHAPTER failed to use ordinary care in determining whether the aforesaid fraternity house was safe for Plaintiff.

357. That prior to the subject incident, Defendant XI CHPTER knew or should have known that XI CHAPTER had a history of drug-use culture, specifically ketamine.

358. Upon information and belief, one week prior to the subject assault, police responded to a drug-related incident at the XI CHAPTER house.

359. Defendant XI CHAPTER, by and through its agents, servants and/or employees, became aware, or through the exercise of reasonable care, supervision, and investigation, should have become aware of Defendants [redacted], and [redacted]' propensity to commit sexual assault and of the risk they posed to Plaintiff's safety.

360. At the very least, Defendant XI CHAPTER knew, or should have known, that they did not have sufficient information about whether the fraternity house was safe and if Defendants [redacted], and [redacted] posed a danger to fellow students, including Plaintiff.

361. Defendant XI CHAPTER breached their duty to Plaintiff by failing to warn her of the risks that Defendants [redacted], and

[redacted] posed and the risks of sexual assault occurring at the aforesaid fraternity house, during the relevant time period.

362. The sexual abuse committed by the Student Defendant was, or should have been, reasonably foreseeable to Defendant XI CHAPTER.

363. Defendant XI CHAPTER, its employees, managers, administrators, and staff were on actual and/or constructive notice that Plaintiff was being sexually abused by Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], members of their fraternal organization, and within their fraternity house.

364. As a direct and proximate result of the foregoing, Plaintiff sustained emotional and psychological injuries, along with pain and suffering and loss of enjoyment of life.

365. The subject assault and resultant injuries were caused by, and through reason of the negligence and carelessness of Defendant XI CHAPTER, their agents, servants and/or employees, in the ownership, operation, management, supervision, maintenance and control of the aforesaid college campus, sorority house, and fraternity house, and its students and employees therein.

366. Defendant XI CHAPTER's actions were intentional, done with malice, cruelty and/or a deliberate, willful, wanton, and reckless indifference to Plaintiff's rights and were done in conscious disregard of the probability that the conduct would result in harm to Plaintiff's physical and emotional wellbeing. Defendant XI CHAPTER's conduct was so outrageous, shocking, despicable, and contemptible that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard for the consequences that would follow. As a result, Plaintiff is entitled to recover both compensatory and punitive damages from Defendant XI CHAPTER.

367. At all times relevant, Defendant CHI PHI NATIONAL operated, controlled,

managed, supervised and/or funded the Xi Chapter of Chi Phi Fraternity at Cornell University, with its fraternity house located at 107 Edgemoor Ln, Ithaca, New York 14850.

368. That at all relevant times, CHI PHI NATIONAL was and is a domestic not-for-profit corporation which owned and operated the Xi Chapter of Chi Phi at Cornell University's house located at 107 Edgemoor Ln, Ithaca, New York 14850.

369. At all times relevant, Defendant CHI PHI NATIONAL was under a duty to operate, control, manage, supervise, and maintain the aforesaid fraternity house in a safe, lawful, and proper fashion.

370. At all times relevant, Defendant CHI PHI NATIONAL had a duty to safeguard and supervise students utilizing the aforesaid fraternity house, including Plaintiff and Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted].

371. At all times relevant, Defendant CHI PHI NATIONAL hired and employed certain individuals to carry out its business operations, including security guards, alumni, sponsors, administrators, and supervisors.

372. At all times relevant, Defendant CHI PHI NATIONAL, its agents, servants and/or employees breached their duty to maintain the aforesaid fraternity house, high in a reasonably safe condition and manner.

373. At all times relevant, Defendant CHI PHI NATIONAL, its agents, servants and/or employees breached their duty to supervise students utilizing the fraternity house, including Plaintiff and Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], in a reasonably safe manner.

374. At all times relevant, Defendant CHI PHI NATIONAL owed Plaintiff a duty of care because it had a special relationship with Plaintiff.

375. At all times relevant, Defendant CHI PHI NATIONAL owed Plaintiff a duty to protect her from harm because Defendant CHI PHI NATIONAL had a special relationship with Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted].

376. At all times relevant, Defendant CHI PHI NATIONAL owed Plaintiff a duty to protect her from harm because Defendant CHI PHI NATIONAL had a contractual relationship with Defendant CORNELL.

377. At all times relevant, Defendant CHI PHI NATIONAL owed Plaintiff a duty to protect her from harm because Defendant CHI PHI NATIONAL had a contractual relationship with Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted].

378. By accepting Plaintiff at the CHI PHI NATIONAL fraternity house, and holding their facilities out to be a safe environment for Plaintiff, and by establishing a fiduciary relationship with Plaintiff at all times relevant, Defendant CHI PHI NATIONAL entered into an express and/or implied duty to properly supervise Plaintiff and provide a reasonably safe environment for students utilizing its fraternity house. Defendant CHI PHI NATIONAL owed Plaintiff a duty to properly supervise Plaintiff and protect her from foreseeable dangers.

379. At all times relevant, Defendant CHI PHI NATIONAL breached its duties to the Plaintiff, as these harms were reasonably foreseeable and Defendant CHI PHI NATIONAL failed to protect her.

380. Defendant CHI PHI NATIONAL's breach of their duties include, but are not limited to: failure to protect Plaintiff from a known danger; failure to have sufficient policies and procedures in place to prevent sex abuse and assault being committed by any of their students; failure to properly implement policies and procedures to prevent sex abuse and assault; failure to

take reasonable measures to ensure that policies and procedures to prevent sex abuse and assault were working; failure to investigate risks of sexual assault; failure to properly train the employees at their facilities; failed to have any outside agency test their safety procedures; and failure to train its employees properly to identify signs of sexual abuse and sexual assault.

381. At all times relevant, Defendant CHI PHI NATIONAL failed to use ordinary care in determining whether the aforesaid fraternity house was safe for Plaintiff.

382. That prior to the subject incident, Defendant CHI PHI NATIONAL knew or should have known that XI CHAPTER had a history of drug-use culture, specifically ketamine.

383. Upon information and belief, one week prior to the subject assault, police responded to a drug-related incident at the XI CHAPTER house.

384. Defendant CHI PHI NATIONAL, by and through its agents, servants and/or employees, became aware, or through the exercise of reasonable care, supervision, and investigation, should have become aware of Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted]'s propensity to commit sexual assault and of the risk they posed to Plaintiff's safety.

385. At the very least, Defendant CHI PHI NATIONAL knew, or should have known, that they did not have sufficient information about whether the fraternity house was safe and if Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] posed a danger to fellow students, including Plaintiff.

386. Defendant CHI PHI NATIONAL breached their duty to Plaintiff by failing to warn her of the risks that Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] posed and the risks of sexual assault occurring at the aforesaid fraternity house, during the relevant time period.

387. The sexual abuse committed by the Student Defendant was, or should have been, reasonably foreseeable to Defendant CHI PHI NATIONAL.

388. Defendant CHI PHI NATIONAL, its employees, managers, administrators, and staff were on actual and/or constructive notice that Plaintiff was being sexually abused by Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], members of their fraternal organization, and within their fraternity house.

389. As a direct and proximate result of the foregoing, Plaintiff sustained emotional and psychological injuries, along with pain and suffering and loss of enjoyment of life.

390. The subject assault and resultant injuries were caused by, and through reason of the negligence and carelessness of Defendant CHI PHI NATIONAL, their agents, servants and/or employees, in the ownership, operation, management, supervision, maintenance and control of the aforesaid college campus, sorority house, and fraternity house, and its students and employees therein.

391. Defendant CHI PHI NATIONAL's actions were intentional, done with malice, cruelty and/or a deliberate, willful, wanton, and reckless indifference to Plaintiff's rights and were done in conscious disregard of the probability that the conduct would result in harm to Plaintiff's physical and emotional wellbeing. Defendant CHI PHI NATIONAL's conduct was so outrageous, shocking, despicable, and contemptible that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard for the consequences that would follow. As a result, Plaintiff is entitled to recover both compensatory and punitive damages from Defendant CHI PHI NATIONAL.

392. At all times relevant, Defendant ALPHA BETA CHAPTER operated, controlled, managed, supervised and/or funded the Alpha Beta Chapter of Delta Delta Delta Sorority at

Cornell University, with a sorority house located at 118 Triphammer Rd, Ithaca, New York 14850.

393. That at all relevant times, ALPHA BETA CHAPTER was and is a domestic not-for-profit corporation which owned and operated the Alpha Beta Chapter of Tri Delta at Cornell University's house located at 118 Triphammer Road, Ithaca, New York 14580.

394. That at all relevant times, ALPHA BETA CHAPTER maintained and controlled the regional chapter of Tri Delta's fraternal organization, known as the Alpha Beta Chapter of Tri Delta at Cornell University.

395. At all times relevant, Defendant ALPHA BETA CHAPTER was under a duty to operate, control, manage, supervise, and maintain the aforesaid sorority house in a safe, lawful, and proper fashion.

396. At all times relevant, Defendant ALPHA BETA CHAPTER had a duty to safeguard and supervise students utilizing the aforesaid sorority house, including Plaintiff.

397. At all times relevant, Plaintiff resided within the aforesaid sorority house, of which ALPHA BETA CHAPTER was fully aware.

398. At all times relevant, Defendant ALPHA BETA CHAPTER hired and employed certain individuals to carry out its business operations, including security guards, house mothers, faculty sponsors, alumni, administrators, and supervisors.

399. At all times relevant, Defendant ALPHA BETA CHAPTER, its agents, servants and/or employees breached their duty to maintain the aforesaid sorority house, high in a reasonably safe condition and manner.

400. At all times relevant, Defendant ALPHA BETA CHAPTER, its agents, servants and/or employees breached their duty to supervise its members, including Plaintiff, in a reasonably safe manner.

401. At all times relevant, Defendant ALPHA BETA CHAPTER owed Plaintiff a duty of care because it had a special relationship with Plaintiff.

402. At all times relevant, Defendant ALPHA BETA CHAPTER owed Plaintiff a duty to protect her from harm because Defendant ALPHA BETA CHAPTER had a contractual relationship with Plaintiff.

403. At all times relevant, Defendant ALPHA BETA CHAPTER owed Plaintiff a duty to protect her from harm because Defendant ALPHA BETA CHAPTER had a contractual relationship with CORNELL.

404. By accepting Plaintiff as a member of its sorority and a resident of its sorority, and by holding its facilities out to be a safe environment for Plaintiff, and by establishing a fiduciary relationship with Plaintiff at all times relevant, Defendant ALPHA BETA CHAPTER entered into an express and/or implied duty to properly supervise Plaintiff and provide a reasonably safe environment for its members and residents. Defendant ALPHA BETA CHAPTER owed Plaintiff a duty to properly supervise Plaintiff and protect her from foreseeable dangers.

405. At all times relevant, Defendant ALPHA BETA CHAPTER breached its duties to the Plaintiff, as these harms were reasonably foreseeable and Defendant ALPHA BETA CHAPTER failed to protect her.

406. Defendant ALPHA BETA CHAPTER's breach of their duties include, but are not limited to: failure to protect Plaintiff from a known danger; failure to have sufficient policies and procedures in place to prevent sex abuse; failure to have sufficient policies and procedures in place to prevent underage drinking; failure to properly implement policies and procedures to prevent sex abuse; failure to properly implement policies and procedures to prevent underage drinking; failure to take reasonable measures to ensure that policies and procedures to prevent sex abuse were

working; failure to take reasonable measures to ensure that policies and procedures to prevent underage drinking were working; failure to properly train the employees at their facilities, including their house mothers; failure to properly train their members, including sober monitors; failure to have any outside agency test their safety procedures; failure to train its employees properly to identify signs of binge drinking.

407. At all times relevant, Defendant ALPHA BETA CHAPTER failed to use ordinary care in determining whether the aforesaid sorority house was safe for Plaintiff.

408. That Defendant ALPHA BETA CHAPTER knew or should have known that their house mother, [redacted], was not adequately trained to maintain their sorority house in a safe condition.

409. That Defendant ALPHA BETA CHAPTER knew or should have known that their house mother, [redacted], was not maintaining their sorority house in a safe condition.

410. Defendant ALPHA BETA CHAPTER, by and through its agents, servants and/or employees, became aware, or through the exercise of reasonable care, supervision, and investigation, should have become aware of the risk underage, binge drinking posed to Plaintiff's safety.

411. At the very least, Defendant ALPHA BETA CHAPTER knew, or should have known, that they did not have sufficient information about whether the sorority house, were safe and if there existed a risk of underage, binge drinking within its house and its social events.

412. Defendant ALPHA BETA CHAPTER breached their duty to Plaintiff by failing to warn her of the risks of underage, binge drinking and the risks of sexual assault occurring on within Greek Houses on campus, during the relevant time period.

413. The sexual abuse committed by the Student Defendant was, or should have been, reasonably foreseeable to Defendant ALPHA BETA CHAPTER.

414. Defendant ALPHA BETA CHAPTER, its employees, managers, administrators, and staff were on actual and/or constructive notice that Plaintiff was underage and was binge drinking at its house and social events.

415. As a direct and proximate result of the foregoing, Plaintiff sustained emotional and psychological injuries, along with pain and suffering and loss of enjoyment of life.

416. The subject assault and resultant injuries were caused by, and through reason of the negligence and carelessness of Defendant ALPHA BETA CHAPTER, their agents, servants and/or employees, in the ownership, operation, management, supervision, maintenance and control of the aforesaid sorority house, and its members and employees therein.

417. Defendant ALPHA BETA CHAPTER's actions were intentional, done with malice, cruelty and/or a deliberate, willful, wanton, and reckless indifference to Plaintiff's rights and were done in conscious disregard of the probability that the conduct would result in harm to Plaintiff's physical and emotional wellbeing. Defendant ALPHA BETA CHAPTER's conduct was so outrageous, shocking, despicable, and contemptible that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard for the consequences that would follow. As a result, Plaintiff is entitled to recover both compensatory and punitive damages from Defendant ALPHA BETA CHAPTER.

418. At all times relevant, Defendant TRI-DELTA NATIONAL operated, controlled, managed, supervised and/or funded the Alpha Beta Chapter of Delta Delta Delta at Cornell University, with a sorority house located at 118 Triphammer Rd, Ithaca, New York 14850.

419. That at all relevant times, TRI-DELTA NATIONAL was and is a domestic not-for-profit corporation which owned and operated the Alpha Beta Chapter of Tri Delta at Cornell

University's house located at 118 Triphammer Road, Ithaca, New York 14580.

420. That at all relevant times, TRI-DELTA NATIONAL maintained and controlled the regional chapter of Tri Delta's fraternal organization, known as the Alpha Beta Chapter of Tri Delta at Cornell University.

421. At all times relevant, Defendant TRI-DELTA NATIONAL was under a duty to operate, control, manage, supervise, and maintain the aforesaid sorority house in a safe, lawful, and proper fashion.

422. At all times relevant, Defendant TRI-DELTA NATIONAL had a duty to safeguard and supervise students utilizing the aforesaid sorority house, including Plaintiff.

423. At all times relevant, Plaintiff resided within the aforesaid sorority house, of which TRI-DELTA NATIONAL was fully aware.

424. At all times relevant, Defendant TRI-DELTA NATIONAL hired and employed certain individuals to carry out its business operations, including security guards, house mothers, faculty sponsors, alumni, administrators, and supervisors.

425. At all times relevant, Defendant TRI-DELTA NATIONAL, its agents, servants and/or employees breached their duty to maintain the aforesaid sorority house, high in a reasonably safe condition and manner.

426. At all times relevant, Defendant TRI-DELTA NATIONAL, its agents, servants and/or employees breached their duty to supervise its members, including Plaintiff, in a reasonably safe manner.

427. At all times relevant, Defendant TRI-DELTA NATIONAL owed Plaintiff a duty of care because it had a special relationship with Plaintiff.

428. At all times relevant, Defendant TRI-DELTA NATIONAL owed Plaintiff a duty to protect her from harm because Defendant TRI-DELTA NATIONAL had a contractual relationship with Plaintiff.

429. At all times relevant, Defendant TRI-DELTA NATIONAL owed Plaintiff a duty to protect her from harm because Defendant TRI-DELTA NATIONAL had a contractual relationship with CORNELL.

430. By accepting Plaintiff as a member of its sorority and a resident of its sorority, and by holding its facilities out to be a safe environment for Plaintiff, and by establishing a fiduciary relationship with Plaintiff at all times relevant, Defendant TRI-DELTA NATIONAL entered into an express and/or implied duty to properly supervise Plaintiff and provide a reasonably safe environment for its members and residents. Defendant TRI-DELTA NATIONAL owed Plaintiff a duty to properly supervise Plaintiff and protect her from foreseeable dangers.

431. At all times relevant, Defendant TRI-DELTA NATIONAL breached its duties to the Plaintiff, as these harms were reasonably foreseeable and Defendant TRI-DELTA NATIONAL failed to protect her.

432. Defendant TRI-DELTA NATIONAL's breach of their duties include, but are not limited to: failure to protect Plaintiff from a known danger; failure to have sufficient policies and procedures in place to prevent sex abuse; failure to have sufficient policies and procedures in place to prevent underage drinking; failure to properly implement policies and procedures to prevent sex abuse; failure to properly implement policies and procedures to prevent underage drinking; failure to take reasonable measures to ensure that policies and procedures to prevent sex abuse were working; failure to take reasonable measures to ensure that policies and procedures to prevent underage drinking were working; failure to properly train the employees at their facilities,

including their house mothers; failure to properly train their members, including sober monitors; failure to have any outside agency test their safety procedures; failure to train its employees properly to identify signs of binge drinking.

433. At all times relevant, Defendant TRI-DELTA NATIONAL failed to use ordinary care in determining whether the aforesaid sorority house was safe for Plaintiff.

434. That Defendant TRI-DELTA NATIONAL knew or should have known that their house mother, [redacted], was not adequately trained to maintain their sorority house in a safe condition.

435. That Defendant TRI-DELTA NATIONAL knew or should have known that their house mother, [redacted], was not maintaining their sorority house in a safe condition.

436. Defendant TRI-DELTA NATIONAL, by and through its agents, servants and/or employees, became aware, or through the exercise of reasonable care, supervision, and investigation, should have become aware of the risk underage, binge drinking posed to Plaintiff's safety.

437. At the very least, Defendant TRI-DELTA NATIONAL knew, or should have known, that they did not have sufficient information about whether their sorority house were safe and if there existed a risk of underage, binge drinking within its house and its social events.

438. Defendant TRI-DELTA NATIONAL breached their duty to Plaintiff by failing to warn her of the risks of underage, binge drinking and the risks of sexual assault occurring on within Greek Houses on campus, during the relevant time period.

439. The sexual abuse committed by the Student Defendant was, or should have been, reasonably foreseeable to Defendant TRI-DELTA NATIONAL.

440. Defendant TRI-DELTA NATIONAL, its employees, managers, administrators, and staff were on actual and/or constructive notice that Plaintiff was underage and was binge

drinking at its house and social events.

441. As a direct and proximate result of the foregoing, Plaintiff sustained emotional and psychological injuries, along with pain and suffering and loss of enjoyment of life.

442. The subject assault and resultant injuries were caused by, and through reason of the negligence and carelessness of Defendant TRI-DELTA NATIONAL, their agents, servants and/or employees, in the ownership, operation, management, supervision, maintenance and control of the aforesaid sorority house, and its members and employees therein.

443. Defendant TRI-DELTA NATIONAL's actions were intentional, done with malice, cruelty and/or a deliberate, willful, wanton, and reckless indifference to Plaintiff's rights and were done in conscious disregard of the probability that the conduct would result in harm to Plaintiff's physical and emotional wellbeing. Defendant TRI-DELTA NATIONAL's conduct was so outrageous, shocking, despicable, and contemptible that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard for the consequences that would follow. As a result, Plaintiff is entitled to recover both compensatory and punitive damages from Defendant TRI-DELTA NATIONAL.

444. That at all relevant times, Defendant MOONIES was and is a domestic limited liability company with its principal address located at 409 Eddy Street, Ithaca, New York, 14850.

445. That at all relevant times, Defendant MOONIES maintained, controlled, and operated Moonies Bar & Nightclub located at 114 E State Street, Ithaca, New York 14850.

446. At all times relevant, Defendant MOONIES was under a duty to operate, control, manage, supervise, and maintain the aforesaid Bar & Nightclub in a safe, lawful, and proper fashion.

447. At all times relevant, Defendant MOONIES had a duty to safeguard and supervise students utilizing the aforesaid Bar & Nightclub, including Plaintiff.

448. At all times relevant, Plaintiff resided within the aforesaid Bar & Nightclub, of which MOONIES was fully aware.

449. At all times relevant, Defendant MOONIES hired and employed certain individuals to carry out its business operations, including security guards, bartenders, servers, administrators, and supervisors.

450. At all times relevant, Defendant MOONIES, its agents, servants and/or employees breached their duty to maintain the aforesaid Bar & Nightclub, high in a reasonably safe condition and manner.

451. At all times relevant, Defendant MOONIES, its agents, servants and/or employees breached their duty to supervise its guests and/or invitees, including Plaintiff, in a reasonably safe manner.

452. At all times relevant, Defendant MOONIES owed Plaintiff a duty of care because it had a special relationship with Plaintiff.

453. At all times relevant, Defendant MOONIES owed Plaintiff a duty to protect her from harm because Defendant MOONIES had a contractual relationship with Plaintiff.

454. At all times relevant, Defendant MOONIES owed Plaintiff a duty to protect her from harm because Defendant MOONIES had a contractual relationship with ALPHA BETA CHAPTER.

455. By accepting Plaintiff, and by holding its facilities out to be a safe environment for Plaintiff, and by establishing a fiduciary relationship with Plaintiff at all times relevant, Defendant MOONIES entered into an express and/or implied duty to properly supervise Plaintiff and provide

a reasonably safe environment for her at its Bar & Nightclub. Defendant MOONIES owed Plaintiff a duty to properly supervise Plaintiff and protect her from foreseeable dangers.

456. At all times relevant, Defendant MOONIES breached its duties to the Plaintiff, as these harms were reasonably foreseeable and Defendant MOONIES failed to protect her.

457. Defendant MOONIES's breach of their duties include, but are not limited to: failure to protect Plaintiff from a known danger; failure to have sufficient policies and procedures in place to prevent overpouring and serving alcohol to minors; failure to have sufficient policies and procedures in place to prevent underage drinking; failure to properly implement policies and procedures to prevent overpouring and serving alcohol to minors; failure to properly implement policies and procedures to prevent underage drinking; failure to take reasonable measures to ensure that policies and procedures to overpouring and serving alcohol to minors were working; failure to take reasonable measures to ensure that policies and procedures to prevent underage drinking were working; failure to properly train the employees at their facilities, including their bartenders servers, and/or security guards; failure to have any outside agency test their safety procedures; failure to train its employees properly to identify signs of binge drinking and intoxication.

458. At all times relevant, Defendant MOONIES failed to use ordinary care in determining whether the aforesaid Bar & Nightclub was safe for Plaintiff.

459. Defendant MOONIES, by and through its agents, servants and/or employees, became aware, or through the exercise of reasonable care, supervision, and investigation, should have become aware of the risk underage, binge drinking posed to Plaintiff's safety.

460. At the very least, Defendant MOONIES knew, or should have known, that they did not have sufficient information about whether the Bar & Nightclub were safe and if there existed a risk of underage, binge drinking within its Bar & Nightclub.

461. The sexual abuse committed by Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] was, or should have been, reasonably foreseeable to Defendant MOONIES.

462. Defendant MOONIES, its employees, managers, administrators, and staff were on actual and/or constructive notice that Plaintiff was underage and was binge drinking at its Bar & Nightclub.

463. As a direct and proximate result of the foregoing, Plaintiff sustained emotional and psychological injuries, along with pain and suffering and loss of enjoyment of life.

464. The subject assault and resultant injuries were caused by, and through reason of the negligence and carelessness of Defendant MOONIES, their agents, servants and/or employees, in the ownership, operation, management, supervision, maintenance and control of the aforesaid Bar & Nightclub, and its employees therein.

465. Defendant MOONIES's actions were intentional, done with malice, cruelty and/or a deliberate, willful, wanton, and reckless indifference to Plaintiff's rights and were done in conscious disregard of the probability that the conduct would result in harm to Plaintiff's physical and emotional wellbeing. Defendant MOONIES's conduct was so outrageous, shocking, despicable, and contemptible that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard for the consequences that would follow. As a result, Plaintiff is entitled to recover both compensatory and punitive damages from Defendant MOONIES.

466. The amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION:
BREACH OF CONTRACT

467. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs above, as if the same were set forth more fully at length herein.

468. At all relevant times, Defendant CORNELL entered into a binding contract with Plaintiff, through written enrollment agreements, student handbooks, codes of conduct, policies, and other official publications, pursuant to which Defendant CORNELL expressly and impliedly promised to provide a reasonably safe educational environment, to implement established safety protocols, and to take reasonable measures to protect students from foreseeable harm.

469. The terms of Defendant CORNELL's contract with Plaintiff included, but were not limited to: (a) CORNELL's obligation to maintain campus safety in accordance with its published policies; (b) CORNELL's obligation to enforce its own procedures for preventing, investigating, and responding to threats of harm; and (c) CORNELL's obligation to act in accordance with representations made to students and parents regarding safety, security, and protection from misconduct.

470. Plaintiff fully performed all her obligations under the contract, including paying all tuition and fees, complying with campus rules, and remaining a student in good standing.

471. Defendant CORNELL breached the contract by failing to adhere to its stated safety policies and procedures; failing to take reasonable and required steps to prevent foreseeable harm to Plaintiff; failing to respond appropriately to reports or indicators of danger; and otherwise failing to deliver the level of security and protection that CORNELL represented it would provide.

472. As a direct and proximate result of Defendant CORNELL's breach of contract, Plaintiff suffered physical injury, emotional distress, financial losses, and other damages, all in an amount to be determined at trial.

473. Plaintiff is therefore entitled to compensatory damages, consequential damages,

pre- and post-judgment interest, costs, and such other and further relief as the Court deems just and proper.

474. The amount of damages sought herein exceeds the jurisdictional limits of all other courts which would otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION:
VIOLATION OF NEW YORK STATE HUMAN RIGHTS LAW,
EXEC. LAW § 296, ET SEQ.

475. Plaintiff repeats and realleges each and every allegation in all of the preceding paragraphs as if fully set forth herein.

476. The Human Rights Law (Executive Law § 290 *et seq.*) declares that:

> It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of **any place of public accommodation**, resort or amusement, because of the race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, marital status, or status as a victim of domestic violence, of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, including the extension of credit, or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability or marital status, or that the patronage or custom thereat of any person of or purporting to be of any particular race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex or marital status, or having a disability is unwelcome, objectionable or not acceptable, desired or solicited.

Executive Law § 296 [2][a]).

477. New York courts have repeatedly held that colleges and universities qualify as places of public accommodation, which makes them subject to the NYSHRL's anti-discrimination provisions.

478. Further, the Human Rights Law (Executive Law § 290 *et seq.*) declares that:

> It shall be an unlawful discriminatory practice for an **educational institution** to deny the use of its facilities to any person otherwise qualified, or to permit the harassment of any student or applicant, by reason of his race, color, religion, disability, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, age, marital status, or status as a victim of domestic violence, except that any such institution which establishes or maintains a policy of educating persons of one sex exclusively may admit students of only one sex.

Executive Law § 296 [4]).

479. As such, the NYSHRL also covers educational institutions, whether the university and/or college is public or private.

480. At all relevant times, Defendant CORNELL was an institution of higher education subject to Executive Law § 296, which mandates that colleges adopt, implement, and enforce specific policies and procedures to prevent, investigate, and respond to sexual assault, harassment, violence, and other forms of misconduct affecting students.

481. That during the subject period complained of herein, Plaintiff was a full-time undergraduate student attending CORNELL's University in Ithaca, NY.

482. That Plaintiff is a female.

483. That during the subject period complained of herein, Plaintiff resided upon CORNELL's University campus located at 616 Thurston Ave, Ithaca, NY 14853.

484. At all times relevant, Defendant CORNELL operated, controlled, managed, supervised and/or funded an undergraduate University campus, located at 616 Thurston Ave,

Ithaca, NY 14853.

485. At all times relevant, Defendant CORNELL operated, controlled, managed, supervised and/or funded the University campus, including the Greek Houses thereat.

486. At all times relevant, Defendant CORNELL operated, controlled, managed, supervised and/or funded the University campus, including ALPHA BETA CHAPTER's sorority house, located at 118 Triphammer Rd, Ithaca, New York 14850.

487. At all times relevant, Defendant CORNELL operated, controlled, managed, supervised and/or funded the University campus, including the XI CHAPTER's fraternity house, located at 107 Edgemoor Ln, Ithaca, New York 14850.

488. That at all relevant times, Defendant CORNELL was and is a private institution of higher education with its principal address at 373 Pine Tree Road, Ithaca, New York 14850.

489. That at all relevant times, CORNELL maintained, operated and controlled the private ivy-league university known as Cornell University, with a mailing address of 616 Thurston Avenue, Ithaca, New York 14853.

490. At all times relevant, Defendant CORNELL was under a duty to operate, control, manage, supervise, and maintain the aforesaid college campus, sorority house, and fraternity house in a safe, lawful, and proper fashion.

491. At all times relevant, Defendant CORNELL had a duty to safeguard and supervise students utilizing the aforesaid college campus, sorority house, and fraternity house, including Plaintiff.

492. That CORNELL's herein described discriminatory conduct was so severe or widespread or persistent that a reasonable woman would consider the educational environment to

be hostile and created an environment where sexual assault and rape of persons such as Plaintiff would be tolerated.

493. That Plaintiff considers she was subjected to the hereinabove sexual assault and rape because she was a female.

494. Defendant CORNELL discriminated against Plaintiff on the basis of her gender in violation of the NYSHRL by subjecting Plaintiff to disparate treatment based upon her gender, including, but not limited to, subjecting her to sexual assault and/or harassment and rape.

495. Defendant CORNELL knew or should have known of the prevalent and historic discriminatory harassment young female students, such as Plaintiff herein, experienced on its college campus.

496. Despite having this knowledge, Defendant CORNELL failed to take appropriate corrective action, resulting in bodily harm to Plaintiff as further described herein.

497. As a direct and proximate result of Defendant CORNELL's unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of monetary damages and other relief.

498. That Defendant CORNELL, its employees, managers, supervisors, executives and/or directors, were aware of the prevalence of sexual assault in its fraternity houses, and knew or should have known of the Student Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted]'s propensity to commit further misconduct.

499. That Defendant CORNELL, its employees, managers, supervisors, executives and directors, knowing of the Student Defendants [redacted], [redacted], [redacted], [redacted], [redacted],

[redacted], and [redacted]'s propensity to commit such conduct, either accepted or approved it, by allowing them unfettered access to Plaintiff.

500. That Plaintiff was harmed because of the aforesaid conduct.

501. That the Student Defendants [redacted], and [redacted]'s derelict behavior was obvious, highly persistent, widespread and was severely offensive in nature and well known to Defendant CORNELL.

502. That said behavior and conduct had a negative effect on Plaintiff's well-being.

503. That the conduct was humiliating and/or physically threatening to Plaintiff.

504. That the conduct unreasonably interfered with Plaintiff's educational performance.

505. The Student Defendants' misconduct and/or propensity to commit such conduct as alleged herein was previously known to Defendant CORNELL, its employees, managers, supervisors, executives and directors, which facilitated their unlawful, abusive and predatory sexual misconduct by, among other things allowing the Student Defendants to gain unfettered access to Plaintiff, providing them with an opportunity to sexually assault and rape Plaintiff, failing to discipline or remove the Student Defendants [redacted], and [redacted] from campus afterwards, all the while sheltering them from speaking to law enforcement, and silencing victims.

506. That Defendants CORNELL's discriminatory acts and/or omissions resulted in harm to Plaintiff that has a sufficient connection to the State of New York to establish liability under New York State Human Rights Law.

507. As a direct and proximate result of Defendant CORNELL's unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered, and continues to suffer severe mental anguish and emotional distress for which she is entitled to an award of monetary

damages and other relief. Defendant CORNELL's unlawful and discriminatory actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiff's rights under the NYSHRL for which Plaintiff is entitled to an award of punitive damages.

508. As a direct and proximate result of Defendant CORNELL's unlawful conduct as alleged hereinabove, Plaintiff has suffered physical injury, severe emotional distress and anxiety, humiliation, embarrassment, economic harm and other consequential damages.

509. That this action falls within one or more of the exceptions set forth in CPLR §1602, specifically: (5) (due to Defendant's intentional conduct), (7) (as Defendant acted with reckless disregard), (8) Article Ten of the Labor Law, (11) (as Defendant acted knowingly or intentionally, and in concert).

510. That this action falls within one or more of the exceptions set forth in CPLR §1601, as with due diligence, Plaintiff is unable to obtain jurisdiction over any such person that may have any fault in this matter aside from Defendant CORNELL herein, and in that Defendant CORNELL was vicariously responsible for any possible additional parties with liability herein.

511. The amount of damages sought herein exceeds the jurisdictional limits of all other courts which would otherwise have jurisdiction.

AS AND FOR A SIXTH CAUSE OF ACTION:
SEXUAL ASSAULT

512. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs above, as if the same were set forth more fully at length herein.

513. In committing and threatening to commit the sexual assault described herein, Student Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] had the real and apparent ability to cause imminent harmful or offensive bodily

contact to Plaintiff and intentionally did a menacing act which threatened such contact to Plaintiff, when Plaintiff was within the XI CHAPTER's fraternity house on CORNELL's campus.

514. The sexual assault and exploitation, and threatened sexual assault and exploitation, by Student Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] caused apprehension of such contact in Plaintiff.

515. The alleged conduct constituted sexual assault.

516. The alleged conduct constituted a violation of N.Y. Pen. Law §130.52 §130.55, §130.60 and §130.65, and this action to recover damages from such conduct is protected under CPLR §208(b).

517. As a direct and proximate result of that intentional harmful or offensive conduct, Plaintiff suffered general and special damages.

518. The amount of damages sought herein exceeds the jurisdictional limits of all other courts which would otherwise have jurisdiction.

AS AND FOR A SEVENTH CAUSE OF ACTION:
SEXUAL BATTERY

519. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs above, as if the same were set forth more fully at length herein.

520. In committing the sexual assault described herein, Student Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted] touched Plaintiff, a fellow CORNELL student, without Plaintiff's informed consent and with the intention of causing harmful or offensive bodily contact to Plaintiff.

521. The alleged conduct constituted sexual battery.

522. The alleged conduct constituted a violation of N.Y. Pen. Law §130.52 §130.55, §130.60 and §130.65, and this action to recover damages from such conduct is protected under

CPLR §208(b).

523. As a direct and proximate result of that intentional harmful or offensive contact, Plaintiff suffered general and special damages.

524. The amount of damages sought herein exceeds the jurisdictional limits of all other courts which would otherwise have jurisdiction.

AS AND FOR AN EIGHTH CAUSE OF ACTION:
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

525. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs above, as if the same were set forth more fully at length herein.

526. At all times relevant, Defendant [redacted], engaged in reckless, extreme, and outrageous conduct by sexually assaulting Plaintiff while Plaintiff was incapacitated and could not possibly consent.

527. At all times relevant, Defendant [redacted]'s misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member or the community would tolerate and demonstrates an utter disregard by Defendant [redacted] of the consequences that would follow.

528. At all times relevant, Defendant [redacted] knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress on Plaintiff, and Plaintiff did in fact suffer severe emotional and psychological distress as a result, including severe mental anguish, humiliation, and emotional and physical distress.

529. As a result of Defendant [redacted]'s reckless, extreme, and outrageous conduct, Plaintiff suffered general and specialized damages.

530. At all times relevant, Defendant [redacted], engaged in reckless, extreme, and outrageous conduct by sexually assaulting Plaintiff while Plaintiff was incapacitated and could not possibly consent.

531. At all times relevant, Defendant [redacted]'s misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member or the community would tolerate and demonstrates an utter disregard by Defendant [redacted] of the consequences that would follow.

532. At all times relevant, Defendant [redacted] knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress on Plaintiff, and Plaintiff did in fact suffer severe emotional and psychological distress as a result, including severe mental anguish, humiliation, and emotional and physical distress.

533. As a result of Defendant [redacted]'s reckless, extreme, and outrageous conduct, Plaintiff suffered general and specialized damages.

534. At all times relevant, Defendant [redacted], engaged in reckless, extreme, and outrageous conduct by sexually assaulting Plaintiff while Plaintiff was incapacitated and could not possibly consent.

535. At all times relevant, Defendant [redacted]'s misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member or the community would tolerate and demonstrates an utter disregard by Defendant [redacted] of the consequences that would follow.

536. At all times relevant, Defendant [redacted] knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress on Plaintiff, and

Plaintiff did in fact suffer severe emotional and psychological distress as a result, including severe mental anguish, humiliation, and emotional and physical distress.

537. As a result of Defendant [redacted]'s reckless, extreme, and outrageous conduct, Plaintiff suffered general and specialized damages.

538. At all times relevant, Defendant [redacted], engaged in reckless, extreme, and outrageous conduct by sexually assaulting Plaintiff while Plaintiff was incapacitated and could not possibly consent.

539. At all times relevant, Defendant [redacted]'s misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member or the community would tolerate and demonstrates an utter disregard by Defendant [redacted] of the consequences that would follow.

540. At all times relevant, Defendant [redacted] knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress on Plaintiff, and Plaintiff did in fact suffer severe emotional and psychological distress as a result, including severe mental anguish, humiliation, and emotional and physical distress.

541. As a result of Defendant [redacted]'s reckless, extreme, and outrageous conduct, Plaintiff suffered general and specialized damages.

542. At all times relevant, Defendant [redacted], engaged in reckless, extreme, and outrageous conduct by sexually assaulting Plaintiff while Plaintiff was incapacitated and could not possibly consent.

543. At all times relevant, Defendant [redacted]'s misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average

member or the community would tolerate and demonstrates an utter disregard by Defendant [redacted] of the consequences that would follow.

544. At all times relevant, Defendant [redacted] knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress on Plaintiff, and Plaintiff did in fact suffer severe emotional and psychological distress as a result, including severe mental anguish, humiliation, and emotional and physical distress.

545. As a result of Defendant [redacted]'s reckless, extreme, and outrageous conduct, Plaintiff suffered general and specialized damages.

546. At all times relevant, Defendant [redacted], engaged in reckless, extreme, and outrageous conduct by sexually assaulting Plaintiff while Plaintiff was incapacitated and could not possibly consent.

547. At all times relevant, Defendant [redacted]'s misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member or the community would tolerate and demonstrates an utter disregard by Defendant [redacted] of the consequences that would follow.

548. At all times relevant, Defendant [redacted] knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress on Plaintiff, and Plaintiff did in fact suffer severe emotional and psychological distress as a result, including severe mental anguish, humiliation, and emotional and physical distress.

549. As a result of Defendant [redacted]'s reckless, extreme, and outrageous conduct, Plaintiff suffered general and specialized damages.

550. At all times relevant, Defendant [redacted], engaged in reckless, extreme, and outrageous conduct by sexually assaulting Plaintiff while Plaintiff was incapacitated and could not possibly consent.

551. At all times relevant, Defendant [redacted]'s misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member or the community would tolerate and demonstrates an utter disregard by Defendant [redacted] of the consequences that would follow.

552. At all times relevant, Defendant [redacted] knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress on Plaintiff, and Plaintiff did in fact suffer severe emotional and psychological distress as a result, including severe mental anguish, humiliation, and emotional and physical distress.

553. As a result of Defendant [redacted]'s reckless, extreme, and outrageous conduct, Plaintiff suffered general and specialized damages.

554. The amount of damages sought herein exceeds the jurisdictional limits of all other courts which would otherwise have jurisdiction.

AS AND FOR A NINTH CAUSE OF ACTION:
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

555. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs above, as if the same were set forth more fully at length herein.

556. At all relevant times, Defendant CORNELL owed a duty to Plaintiff because she was a full-time undergraduate student entrusted to their protection and care.

557. Defendant CORNELL breached their duty to Plaintiff by failing to make proper regulations, protocols and/or employ proper persons and instrumentalities in assessing risk of harm to students; permitting and/or intentionally failing and/or neglecting to prevent the commissions

of tortious conduct upon students within their care; failing to adequately supervise the activities of Student Defendants [redacted], and [redacted]; and allowing all acts or omissions and/or any of the above-described actions.

558. Defendant CORNELL breached their duty to Plaintiff by negligently supervising Plaintiff as well as Student Defendants [redacted], and in failing to protect Plaintiff from sexual predators on CORNELL's campus.

559. As a direct and proximate result of the foregoing, Plaintiff was sexually assaulted by Student Defendants [redacted], and [redacted].

560. As a direct and proximate result of the foregoing, Plaintiff sustained psychological injuries, severe emotional distress, along with pain and suffering and loss of enjoyment of life.

561. As a direct and proximate result of the foregoing, Plaintiff sustained psychological injuries, severe emotional distress, along with pain and suffering and loss of enjoyment of life.

562. Defendant CORNELL's actions were intentional, done with malice, cruelty and/or a deliberate, willful, wanton, and reckless indifference to Plaintiff's rights and were done in conscious disregard of the probability that the conduct would result in harm to Plaintiff's physical and emotional wellbeing. CORNELL's conduct was so outrageous, shocking, despicable, and contemptible that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard of the consequences that would follow. As a result, Plaintiff is entitled to the recovery of both compensatory and punitive damages from CORNELL.

563. As a result of that reckless, extreme, and outrageous conduct, Plaintiff suffered general and specialized damages.

564. At all relevant times, Defendant XI CHAPTER owed a duty to Plaintiff because she was a guest and/or invitee on its premises, entrusted to their protection and care.

565. Defendant XI CHAPTER breached their duty to Plaintiff by failing to make proper regulations, protocols and/or employ proper persons and instrumentalities in assessing risk of harm to guests and/or invitees; permitting and/or intentionally failing and/or neglecting to prevent the commissions of tortious conduct upon students within their care; failing to adequately supervise the activities of Student Defendants [redacted], and [redacted]; and allowing all acts or omissions and/or any of the above-described actions.

566. Defendant XI CHAPTER breached their duty to Plaintiff by negligently supervising Plaintiff as well as Student Defendants [redacted], and in failing to protect Plaintiff from sexual predators within its fraternity house.

567. As a direct and proximate result of the foregoing, Plaintiff was sexually assaulted by Student Defendants [redacted], and [redacted].

568. As a direct and proximate result of the foregoing, Plaintiff sustained psychological injuries, severe emotional distress, along with pain and suffering and loss of enjoyment of life.

569. As a direct and proximate result of the foregoing, Plaintiff sustained psychological injuries, severe emotional distress, along with pain and suffering and loss of enjoyment of life.

570. Defendant XI CHAPTER's actions were intentional, done with malice, cruelty and/or a deliberate, willful, wanton, and reckless indifference to Plaintiff's rights and were done in conscious disregard of the probability that the conduct would result in harm to Plaintiff's physical and emotional wellbeing. XI CHAPTER's conduct was so outrageous, shocking, despicable, and contemptible that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard of the consequences that would follow. As a result, Plaintiff is entitled to the recovery of both compensatory and punitive damages from XI CHAPTER.

571. As a result of that reckless, extreme, and outrageous conduct, Plaintiff suffered general and specialized damages.

572. At all relevant times, Defendant CHI PHI NATIONAL owed a duty to Plaintiff because she was a guest and/or invitee, entrusted to their protection and care.

573. Defendant CHI PHI NATIONAL breached their duty to Plaintiff by failing to make proper regulations, protocols and/or employ proper persons and instrumentalities in assessing risk of harm to guests and/or invitees; permitting and/or intentionally failing and/or neglecting to prevent the commissions of tortious conduct upon students within their care; failing to adequately supervise the activities of Student Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted]; and allowing all acts or omissions and/or any of the above-described actions.

574. Defendant CHI PHI NATIONAL breached their duty to Plaintiff by negligently supervising Plaintiff as well as Student Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted], and in failing to protect Plaintiff from sexual predators within its fraternity house.

575. As a direct and proximate result of the foregoing, Plaintiff was sexually assaulted by Student Defendants [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], and [redacted].

576. As a direct and proximate result of the foregoing, Plaintiff sustained psychological injuries, severe emotional distress, along with pain and suffering and loss of enjoyment of life.

577. As a direct and proximate result of the foregoing, Plaintiff sustained psychological injuries, severe emotional distress, along with pain and suffering and loss of enjoyment of life.

578. Defendant CHI PHI NATIONAL's actions were intentional, done with malice, cruelty and/or a deliberate, willful, wanton, and reckless indifference to Plaintiff's rights and were done in conscious disregard of the probability that the conduct would result in harm to Plaintiff's physical and emotional wellbeing. CHI PHI NATIONAL's conduct was so outrageous, shocking, despicable, and contemptible that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard of the consequences that would follow. As a result, Plaintiff is entitled to the recovery of both compensatory and punitive damages from CHI PHI NATIONAL.

579. As a result of that reckless, extreme, and outrageous conduct, Plaintiff suffered general and specialized damages.

580. The amount of damages sought herein exceeds the jurisdictional limits of all other courts which would otherwise have jurisdiction.

581. Pursuant to CPLR § 1603, the foregoing causes of action are exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(2), CPLR 1602(5), CPLR 1602(7) and CPLR 1602(11),

thus precluding defendants from limiting their liability by apportioning some portion of liability to any joint tortfeasor.

AS AND FOR AN TENTH CAUSE OF ACTION:
VIOLATIONS OF NEW YORK'S DRAM SHOP ACT
GENERAL OBLIGATIONS LAW §§11-100 – 11-101

582. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs above, as if the same were set forth more fully at length herein.

583. That at all relevant times, Defendant MOONIES maintained, controlled, and operated Moonies Bar & Nightclub located at 114 E State Street, Ithaca, New York 14850.

584. That at all relevant times, MOONIES maintained a liquor license for Moonies Bar & Nightclub, where MOONIES, its employees, servants and agents, served invitees and/or guests with alcoholic beverages.

585. That at all relevant times, MOONIES held itself out to the public, and more particularly to Plaintiff herein, as possessing the proper degree of safety measure to adequately protect its invitees and/or guests and to use reasonable care and diligence in its monitoring and policing of Moonies Bar & Nightclub and those utilizing the premises thereat.

586. That at all relevant times, MOONIES, its employees, servants and/or agents served Plaintiff with alcoholic beverages even though she had an "X" on both her hands, signifying she was under 21 years old.

587. That at all relevant times, MOONIES, its employees, servants and/or agents continued serving Plaintiff with alcoholic beverages to the point of visible intoxication.

588. That at all relevant times, MOONIES, its employees, servants and/or agents continued serving Plaintiff with alcoholic beverages beyond the point of visible intoxication.

589. That as a result of MOONIES violating New York's Dram Shop Act, General

Obligations Law §§11-100 – 11-101, Plaintiff was rendered helpless.

590. That as a result of MOONIES violating New York's Dram Shop Act, General Obligations Law §§11-100 – 11-101, Plaintiff suffered bodily injury.

591. That as a result of MOONIES violating New York's Dram Shop Act, General Obligations Law §§11-100 – 11-101, Plaintiff was sexually assaulted and raped by members of CHI PHI's Xi Chapter at Cornell University, at the fraternity house known as Chi Phi Fraternity located at 107 Edgemoor Ln, Ithaca, New York 14850.

592. As a result of the subject incident, Plaintiff has sustained injury, emotional pain and suffering, emotional distress, loss of enjoyment of life, and claims compensatory and punitive damages herein.

593. The amount of damages sought herein exceeds the jurisdictional limits of all other courts which would otherwise have jurisdiction.

JURY DEMAND

594. Plaintiff JANE DOE hereby demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff JANE DOE demands judgment against the Defendants and each of them, on the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Causes of Action as follows:

A. Awarding compensatory damages in an amount to be proved at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction to the extent permitted by law;
B. Awarding punitive damages to the extent permitted by law;
C. Awarding costs and fees of this action, including attorneys' fees to the extent permitted by law;
D. Awarding prejudgment interest to the extent permitted by law; and
E. Awarding such other and further relief as this Court may deem just and proper.

Dated: New York, New York

September 14, 2026

RHEINGOLD GIUFFRA RUFFO
PLOTKIN & HELLMAN LLP
Attorneys for Plaintiff

By: _____
Thomas P. Giuffra, Esq.
551 Fifth Avenue, 29th Fl.
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COCHRUN & SEALS, LLC
Attorneys for Plaintiff
(Pro Hac Vice pending)

/s/ W. Whitney Seals
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