

CIRCUIT COURT

Civil

04:30 pm

Caption

Jane Doe vs. Certain Interested Underwriters at Lloyds London et al

Responsible C.O.

Dennis P. Moroney-20

Case Number

2009CV011305

WCIS Code: 30107 - Other-Personal Injury

Filing Date/C.O.		Disposition Date/C.O.		Disposition		Next Action	
07-17-2009							
Dennis P. Moroney-20							
Party Type	Name	Address	City	St	Zip	Attorney	Status
Plaintiff	Jane Doe					Robert L Elliott	AC
Defendant	Certain Interested Underwriters at Lloyds London	115 S Lasalle Street	Chicago	IL	60603		AC
Defendant	Sigma Chi Fraternity	1714 Hinman Avenue	Evanston	IL	60204		AC
Defendant	Sigma Chi Fraternity Alpha Lambda Chapter	221 Langdon Street	Madison	WI	53703		AC
Defendant	Alpha Lambda Alum Investors LLC AKA Alpha Lambda Chapter House Company Inc	221 Langdon Street	Madison	WI	53703		AC
Defendant	Risk Management Foundation	1714 Hinman Avenue	Evanston	IL	60204		AC

Date	Court Record Entries	Amount	C.O. Court Reporter Tape/Counter Location
07-17-2009	Filing fee paid 09RV031108	269.00	
07-17-2009	Summons and complaint		

090✓011305

JANE DOE,

Plaintiff,

v.

Case Code: 30107

Case No:

CERTAIN INTERESTED UNDERWRITERS
AT LLOYD'S LONDON,
181 W. Madison Street, #3870
Chicago, IL 60602-4541

Registered Agent:

Lord, Bidsell & Brook
115 S. LaSalle Street
Chicago, IL 60603

SIGMA CHI FRATERNITY
1714 Hinman Avenue
Evanston, IL 60204-0469

SIGMA CHI FRATERNITY ALPHA
LAMBDA CHAPTER
221 Langdon Street
Madison, WI 53703,

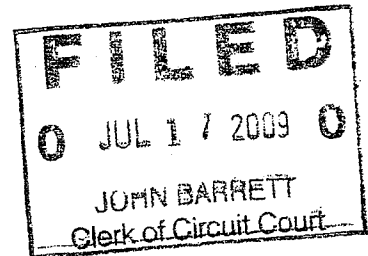
ALPHA LAMBDA ALUM INVESTORS, LLC,
a/k/a ALPHA LAMBDA CHAPTER
HOUSE COMPANY, INC.,
221 Langdon Street
Madison, WI 53703

Registered Agent:

Bretl Armstrong
614 W. Doty St., #209
Madison, WI 53703

THE RISK MANAGEMENT FOUNDATION
1714 Hinman Avenue
Evanston, IL 60204-0469

Defendants.



HON. DENNIS P. MORONEY, BR. 20
CIVIL E

PLAINTIFF'S SUMMONS

THE STATE OF WISCONSIN to each Defendant named above:

You are hereby notified that the Plaintiffs named above have filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within 45 days of receiving this Summons, you must respond with a written Answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an Answer that does not follow the requirement of the statutes. The Answer must be sent or delivered to the Clerk of Court, Milwaukee County Courthouse, whose address is 901 N. 9th Street, Milwaukee, WI 53233, and to ROBERT L. ELLIOTT, Attorney at Law, Plaintiffs' attorney, whose address is 633 West Wisconsin Avenue, Suite 1001, Milwaukee, WI 53203. You may have an attorney help or represent you.

If you do not provide a proper Answer within 45 days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 17th day of July, 2009.

ROBERT L. ELLIOTT
Attorney for Plaintiff



ROBERT L. ELLIOTT
SBN: 1013862

P.O. ADDRESS:

633 W. Wisconsin Ave., #1001
Milwaukee, WI 53203
(414)225-9000

09011305

JANE DOE,

Plaintiff,

v.

Case Code: 30107

Case No:

CERTAIN INTERESTED UNDERWRITERS
AT LLOYD'S LONDON;
181 W. Madison Street, #3870
Chicago, IL 60602-4541

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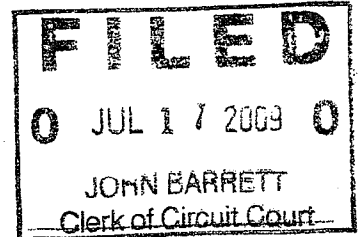
SIGMA CHI FRATERNITY ALPHA
LAMBDA CHAPTER
221 Langdon Street
Madison, WI 53703,

ALPHA LAMBDA ALUM INVESTORS, LLC,
a/k/a ALPHA LAMBDA CHAPTER
HOUSE COMPANY, INC.,
221 Langdon Street
Madison, WI 53703

Registered Agent:
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614 W. Doty Street, #209
Madison, WI 53703

THE RISK MANAGEMENT FOUNDATION
1714 Hinman Avenue
Evanston, IL 60204-0469

Defendants.



PLAINTIFF'S COMPLAINT

Plaintiff pleads:

1. Plaintiff is an adult individual residing at all times material hereto in Milwaukee County. Plaintiff is proceeding under a pseudonym in order to protect her identity as a victim of sexual assault.

2. Upon information and belief, CERTAIN INTERESTED UNDERWRITERS AT LLOYD'S LONDON are a group of individual investors who, for consideration, have agreed to indemnify Defendants SIGMA CHI FRATERNITY, SIGMA CHI FRATERNITY ALPHA LAMBDA CHAPTER, ALPHA LAMBDA ALUM INVESTORS, LLC, a/k/a ALPHA LAMBDA CHAPTER HOUSE COMPANY, INC., and RISK MANAGEMENT FOUNDATION for the conduct of the Defendants as alleged herein. Such indemnity agreement was in full force and effect at all times material hereto and by reason of such indemnity agreement and the laws of the State of Wisconsin CERTAIN INTERESTED UNDERWRITERS AT LLOYD'S LONDON are proper party Defendants hereto.

3. Upon information and belief, SIGMA CHI FRATERNITY, (Frat) is an Illinois non-profit corporation which exists and operates for the benefit of and of behalf of its individual CHAPTER and the members of such CHAPTER and their alumni. Its principal place of business is located at 1714 Hinman Avenue, Evanston, Illinois. It is engaged in substantial, not isolated business in Milwaukee County including, but not limited to, its affiliation with, operation of and overseeing of the Iota Pi Chapter of SIGMA CHI FRATERNITY located on the campus of Marquette University in the City of Milwaukee.

4. Upon information and belief, at all times material hereto the SIGMA CHI FRATERNITY ALPHA LAMBDA CHAPTER (Chapter) is an unincorporated division and agent of the Frat existing under the charter granted to it by and with the permission and under the supervision of and at the volition of the Frat, with its principal place of activity located at 221 Langdon Street, Madison, Wisconsin, 53703, and operating at all times material subject to the control, rules, regulations, laws and procedures of the Frat, the Chapter, the University of Wisconsin including all of its student entities including but not limited to the Committee on Student Organizations, and the State of Wisconsin.

5. Upon information and belief, ALPHA LAMBDA ALUM INVESTORS, LLC, a/k/a ALPHA LAMBDA CHAPTER HOUSE COMPANY, INC., a/k/a RISK MANAGEMENT FOUNDATION, (Risk), is a domestic non-profit corporation with its principal place of business located at 221 Langdon Street, Madison, Wisconsin, 53703, and at all times material hereto has been operating under the charter granted to it by and with the permission and under the supervision of and at the volition of the Frat, and functioning as an agent of Frat for the purpose of supervising the day-to-day operation of and the conduct of the members of the Chapter.

6. Upon information and belief, at all times material hereto Risk has been the owner and landlord of the property rented/leased to the Chapter for the living quarters and operations of the Chapter at 221 Langdon Street, Madison, Wisconsin, 53703. (House)

7. Upon information and belief, at all times material hereto the House has been occupied, for valuable consideration, by in excess of 3 tenants as well as non-members of the Chapter in separate rental living units as "tenants" of a "public building", as those terms are used in §101.11(12) and §101.11, Wis Stats.

8. As result of the circumstances set forth in ¶7 above, at all times material hereto Risk had the obligation under §101.11, Wis. Stats., to make the House safe for frequenters and members of the public invited and/or allowed to be on the premises including, but not limited to, the Plaintiff.

9. Upon information and belief, at all times material hereto Frat, as the principal and controlling entity of Chapter and Risk as Frat's agents, has undertaken to supervise and control the actions of Chapter and Risk and their members to require them, pursuant to §3.18 et. seq. of its Constitution, Statutes and Executive Committee Regulations and 2007 - 2009 Standard Operating Procedures, to observe and follow the governing laws of the Frat, the laws of the land, the laws and regulations of the educational institution in which the Chapter is located, the Sigma Chi Code of Conduct and the Statement of Policy on Human Decency and Dignity.

10. Upon information and belief, at all times material hereto Frat, as the principal and controlling entity of Chapter and Risk as Frat's agents, has undertaken to supervise and control the actions of Chapter and Risk and their members to require them, pursuant to §3.18 of its Constitution, Statutes and Executive Committee Regulations, to

observe and follow §6.01-1 of the Executive Committee Regulations and not conduct any event, activity or behavior of any of their members so as to cause disrespect to women.

11. Upon information and belief, for a number of years prior to October 4, 2008 Frat has known that it has failed to even minimally discharge the duties it has undertaken to supervise and control the actions of Chapter and Risk and their members to require them, pursuant to §3.18 et. seq. of its Constitution, Statutes and Executive Committee Regulations and [Policies and Procedures], to observe and follow the governing laws of the Frat, the laws of the land, the laws and regulations of the educational institution in which the Chapter is located, the Sigma Chi Code of Conduct and the Statement of Policy on Human Decency and Dignity.

12. In this regard for a substantial period of time prior to October 4, 2008 Frat has been aware or should have been aware that its chapters and/or members of its chapters at the University of Wisconsin has been charged by the University and/or Dane County and City of Madison law enforcement agencies with multiple violations of orderly conduct, alcohol and other criminal violations.

13. In this regard for a substantial period of time prior to October 4, 2008 Frat has been aware or should have been aware that its chapter and/or members of its chapter at the University of Nebraska has been criminally charged with hazing and procuring alcohol for minors.

14. In this regard for a substantial period of time prior to October 4, 2008 Frat has been aware or should have been aware that its chapter and/or members of its chapter at John Hopkins in 2006 were placed on social probation because of racial hate conduct.

15. In this regard for a substantial period of time prior to October 4, 2008 Frat has been aware or should have been aware that its chapter and/or members of its chapter at the University of New Mexico were criminally charged with violations of alcohol laws.

16. In this regard for a substantial period of time prior to October 4, 2008 Frat has been aware or should have been aware that its chapter and/or members of its chapter at George Mason University were charged with sexual assault of 2 women and violation of hazing and alcohol laws and thrown off campus for 10 years.

17. In this regard for a substantial period of time prior to October 4, 2008 Frat has been aware or should have been aware that its chapter and/or members of its chapter at Texas Christian University of hazing laws.

18. In this regard for a substantial period of time prior to October 4, 2008 Frat has been aware or should have been aware that its chapter and/or members of its chapter at Southern Utah University had been charged with theft.

19. In this regard for a substantial period of time prior to October 4, 2008 Frat has been aware or should have been aware that its chapter and/or members of its chapter at Missouri State University had been charged with bodily assault.

20. In this regard for a substantial period of time prior to October 4, 2008 Frat has been aware or should have been aware that its chapter and/or members of its chapter at Vanderbilt University were charged with criminal homophobic conduct.

21. In this regard for a substantial period of time prior to October 4, 2008 Frat has been aware or should have been aware that its chapter and/or members of its chapter at Massachusetts Institute of Technology were charged with disorderly conduct.

22. In this regard for a substantial period of time prior to October 4, 2008 Frat has been aware or should have been aware that its chapter and/or members of its chapter at Colgate University had raped a women, ultimately resulting in a settlement with such victim of her civil claims against Frat.

23. In this regard for a substantial period of time prior to October 4, 2008 Frat has been aware or should have been aware that its chapter and/or members of its chapter at Mississippi University had been charged with hazing.

24. In this regard for a substantial period of time prior to October 4, 2008 Frat has been aware or should have been aware that its chapter and/or members of its chapter at DePauw University had been accused of sexually inappropriate conduct.

25. In this regard for a substantial period of time prior to October 4, 2008 Frat has been aware or should have been aware that its chapter and/or members of its chapter at Arizona State University had been charged with violation of underage drinking laws.

26. On October 4, 2008 Plaintiff attended an unsupervised party open to the public put on by Chapter at the House, with the knowledge and approval of Risk, at which alcohol was served to anyone, including underage persons, for no charge.

27. This party and its expected aftermath lasted until at least 3:00 a.m. on October 5, 2008.

28. Such party was completely unsupervised by any person on behalf of Frat though members of Frat, Chapter and Risk were in attendance at such party.

29. Such party was completely unsupervised by any person on behalf of Chapter though members of Frat, Chapter and Risk were in attendance at such party.

30. Such party was completely unsupervised by any person on behalf of Risk though members of Frat, Chapter and Risk were in attendance at such party.

31. Such party did not at any time provide for security to for the protection of anyone attending the party or on the premises of the House on October 4, 2008.

32. Such party did not at any time provide security to for the protection of anyone attending the party or on the premises of the House on October 5, 2008.

33. Upon information and belief, sometime during the evening of October 4, 2008 unbeknownst to the Plaintiff she was given a drug which rendered her unconscious and/or unaware of her surroundings and unable to care for herself.

34. Sometime during the party at the House on October 4, 2008 while the Plaintiff was on the premises of the House at the invitation of and with the knowledge of the House, Chapter and Risk, the Plaintiff was raped multiple times by person(s) unknown to the Plaintiff but whom she reasonably believes to be members of Chapter and tenants of the House.

35. As a result of such rapes Plaintiff has incurred extreme physical pain and emotional distress which she continues to suffer from and reasonably expects to suffer from in the future on a permanent basis, and which has caused her to seek physical and mental health care to treat such injuries in the past and which she reasonably believes she will need to incur on a permanent basis in the future.

1st CAUSE OF ACTION - NEGLIGENCE - ALL DEFENDANTS

36. The above allegations are restated as though more fully set forth.

37. Such conduct on the part of each of the Defendants is negligence on the part of each Defendant which caused the injuries incurred by the Plaintiff as described in ¶¶31-32.

2nd CAUSE OF ACTION - PUNITIVE DAMAGES - ALL DEFENDANTS

38. The above allegations are restate as though more fully set forth.

39. Upon information and belief, such conduct on the part of each of the Defendants was done by each of the Defendants with a purpose to disregard the Plaintiff's rights to be safe when on the

premises of the House at the invitation and with the knowledge or constructive knowledge of each of the Defendants. Such conduct on the part of each of the Defendants was engaged in by each of the Defendants with their knowledge or constructive knowledge that such conduct was substantially certain to result in such rights of the Plaintiff being disregarded, entitling the Plaintiff to punitive damages, in addition to compensatory damages, from each of the Defendants.

3RD CAUSE OF ACTION - SAFE PLACE VIOLATION, §101.11(2) - ALPHA LAMBDA ALUM INVESTORS, LLC, a/k/a ALPHA LAMBDA CHAPTER HOUSE COMPANY, INC., a/k/a RISK MANAGEMENT FOUNDATION

40. The above allegations are restated as though more fully set forth.

41. Upon information and belief, such conduct on the part of ALPHA LAMBDA ALUM INVESTORS, LLC, a/k/a ALPHA LAMBDA CHAPTER HOUSE COMPANY, INC., a/k/a RISK MANAGEMENT FOUNDATION, (Risk), constitutes their individual failure to discharge their non-delegable duty to maintain the House as safe as the nature of the property allowed, and thereby breached their duties to the Plaintiff under Wisconsin's Safe Place Statute, Sec. 101.11(1) Stats., causing the damages and injuries incurred by the Plaintiff as described in ¶¶31-32 above.

WHEREFORE, Plaintiff demands judgment:

1. Against each of the Defendants, jointly and severally, on her 1ST CAUSE OF ACTION for her damages, together with taxable costs and disbursements;


2. Against each of the Defendants, jointly and severally, on her 2nd CAUSE OF ACTION for punitive damages, together with taxable costs and disbursements;

3. Against Defendants CERTAIN INTERESTED UNDERWRITERS AT LLOYD'S LONDON, and ALPHA LAMBDA ALUM INVESTORS, LLC, a/k/a ALPHA LAMBDA CHAPTER HOUSE COMPANY, INC., a/k/a RISK MANAGEMENT FOUNDATION, (Risk), and jointly and severally, on her 2nd CAUSE OF ACTION for her damages, together with taxable costs and disbursements.

Demand is made for a trial of this action by a jury of 12 persons.

Dated this 17th day of July, 2009.

ROBERT L. ELLIOTT
Attorney for Plaintiff



ROBERT L. ELLIOTT
SBN: 1013862

P.O. ADDRESS:

633 W. Wisconsin Ave., #1001
Milwaukee, WI 53203
(414)225-9000