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Deaths spur suits against Tech fraternities 09-21-2004

DANNY ANDREWS

09/21/2004

Herald Editor, From The Plainview Daily Herald

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Holding fraternities liable for student deaths following pledge retreats in 2001 and 2002 is the basis of separate lawsuits, including one filed on behalf of a Plainview family.

A suit against Tau Kappa Epsilon alleges hazing and sleep deprivation led to the accident that caused the death of Plainview High graduate Clay Warren two years ago today.

Delta Sigma Phi and 49 members are accused of several violations of Tech policy and Texas law in the death of Zachary Mullins of Grapevine in 2001.

The fraternities say no wrongdoing occurred.

"The allegations of the complaint are extremely unfortunate and unfounded," said TKE chief executive officer Kevin Mayeux, who described the retreat as a camping trip for members to get to know pledges. There was no hazing activity involved," he told the Lubbock Avalanche-Journal.

The suit brought by Warren's parents, Mark and Freada Warren through an Austin law firm, maintains, however, that the retreat was not an innocent camping trip, but a full night of hazing where pledges were only allowed a minimum amount of sleep.

Warren died a week after a car accident near Lake Mackenzie when the driver of the vehicle he was riding in fell asleep on the way home from the event at Palo Duro Canyon.

Named in the suit are TKE as well as 47 other members of the fraternity all accused as being negligent parties to the accident.

"The basis of this suit is that the fraternity took pledges far away from campus, kept them up all night, provided alcohol to minors and did not provide safe transportation back to the campus," said Michelle Cheng, an attorney with the Austin law firm of Whitehurst, Harkness, Ozmun and Brees.

She said unspecified monetary damages will be sought.

Mark Warren declined comment on the suit today.

The Warrens have provided two Clay Warren Memorial Scholarships, signage for the PHS Choir Hall, equipment for the PHS Chamber Singers in their son's memory and other scholarships have been provided through the Kiwanis Club of which Mark Warren is a member. Clay Warren was a member of the PHS A Cappella Choir and Chamber Singers before his graduation in May 2002.

The suit against DSP claims the death of Zachary Mullins, then 20, of Grapevine, was the fault of DSP members who kept pledges awake with 15 minutes of sleep during a two-night period. The suit, which has been on file for about one year, alleges a detailed account of hazing whereby pledges were required to wade into a vat of rancid water filled with ice and human waste.

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Rachel Montes, an attorney for Mullins' father, said her client's motivation for the suit is primarily to let parents know of what he believes is an inherent danger posed by some fraternities.

"What they want to accomplish (is) to let people know that these organizations are portraying themselves as one thing but practicing another," Ms. Montes told the Lubbock Avalanche-Journal.

While Tech remains clear of any liability for fraternity actions, the university is allowed to take a policing and disciplinary role. Currently Tech does not have sanctions placed against either fraternity.

Posted to *MyPlainview*: SEPTEMBER 21, 2004 13:04 CST

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Reader Opinions:

▶ **Charlie Warren** Sep, 22 2004

I am very proud of Mark & Freada Warren for taking this stand against the obviously extremely dangerous activities of U.S. college fraternities during pledge season.

To take these young Freshmen far out in the country, keep them up all night, offer them all the alcohol they want, and then let them drive each other almost 100 miles home with hangovers & sleep deprivation IS a real crime!

They are creating a guaranteed deathly accident just waiting to happen.

Warren's action may help make University officials take punitive steps & make Fraternities become more responsible for their heinous actions.

Far too many college students all over America die each year from this type of ridiculous Fraternity activity & somebody has got to stand up & say "ENOUGH".

Unfortunately it's too late to bring Clay back, but maybe this action can save some other young Freshman's life at Texas Tech. If so, Praise God, it was worth the effort!

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Ⓣ Thursday, Jan. 26, 2006 - Sale Time: 10 a.m.
Shallowater Area Farmers - Owners
Located: Shallowater, Texas - Selling: Farm Equipment

Ⓣ Friday, Jan. 27, 2006 - Sale Time: 10 a.m.
Jonathan Light & A.C. Light Estate - Owners
Located: Dillon, Texas - Selling: Farm Equipment

Ⓣ Saturday, Jan. 28, 2006 - Sale Time: 10 a.m.
Robertson Farms - Owners
Located: Healdstore, Texas - Selling: 1020 Acres of C. R. P.

Ⓣ Tuesday, Jan. 31, 2006 - Sale Time: 10 a.m.
Tom Johnson - Owner
Located: Providence, Texas - Selling: Farm Equipment

Ⓣ Wednesday, Feb. 1, 2006 - Sale Time: 10 a.m.
Cunyus Farms - Owners
Located: Allen, Texas - Selling: Farm Equipment

Ⓣ Thursday, Feb. 2, 2006 - Sale Time: 10 a.m.
Oklahoma Lane Area Farmers - Owners
Located: Farnell, Texas - Selling: Farm and Ranch Equipment

Ⓣ Saturday, Feb. 4, 2006 - Sale Time: 10 a.m.
Galen Friemel & Neighbors - Owners
Located: Dawn, Texas - Selling: Farm Equipment

Ⓣ Tuesday, Feb. 7, 2006 - Sale Time: 10 a.m.
Wayne Matthews Estate - Owners
Located: Arice, Texas - Selling: Farm Equipment

Ⓣ Friday, Feb. 10, 2006 - Sale Time: 10 a.m.
Smyer Farms - Owners
Located: Muleshoe, Texas - Selling: Farm Equipment

Ⓣ Saturday, Feb. 11, 2006 - Sale Time: 10:30 a.m.
James Adams - Owner
Located: Tula, Texas - Selling: Farm Equipment

Ⓣ Wednesday, Feb. 15, 2006 - Sale Time: 10 a.m.
Tommy Wages - Owners
Located: New Deal, Texas - Selling: Farm Equipment

Ⓣ Saturday, Feb. 18, 2006 - Sale Time: 10 a.m.
Knights of Columbus Consignment Auction - Owners
Located: Nazareth, Texas - Selling: Farm Equipment

Ⓣ Wednesday, Feb. 22, 2006 - Sale Time: 10 a.m.
Milner Farms - Owner
Located: Frenka, Texas - Selling: Farm Equipment

Ⓣ Saturday, Feb. 25, 2006 - Sale Time: 10 a.m.
Foster Parker - Owner
Located: Happy, Texas - Selling: Farm & Ranch Equipment

Ⓣ Thursday, March 16, 2006 - Sale Time: 10 a.m.
Hodges Farms - Owner
Located: Lakeview, Texas - Selling: Farm Equipment

Ⓣ Saturday, March 18, 2006 - Sale Time: 10 a.m.
Ronnie Ray - Owner
Located: Lamesa, Texas - Selling: 40 Acre Tract

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